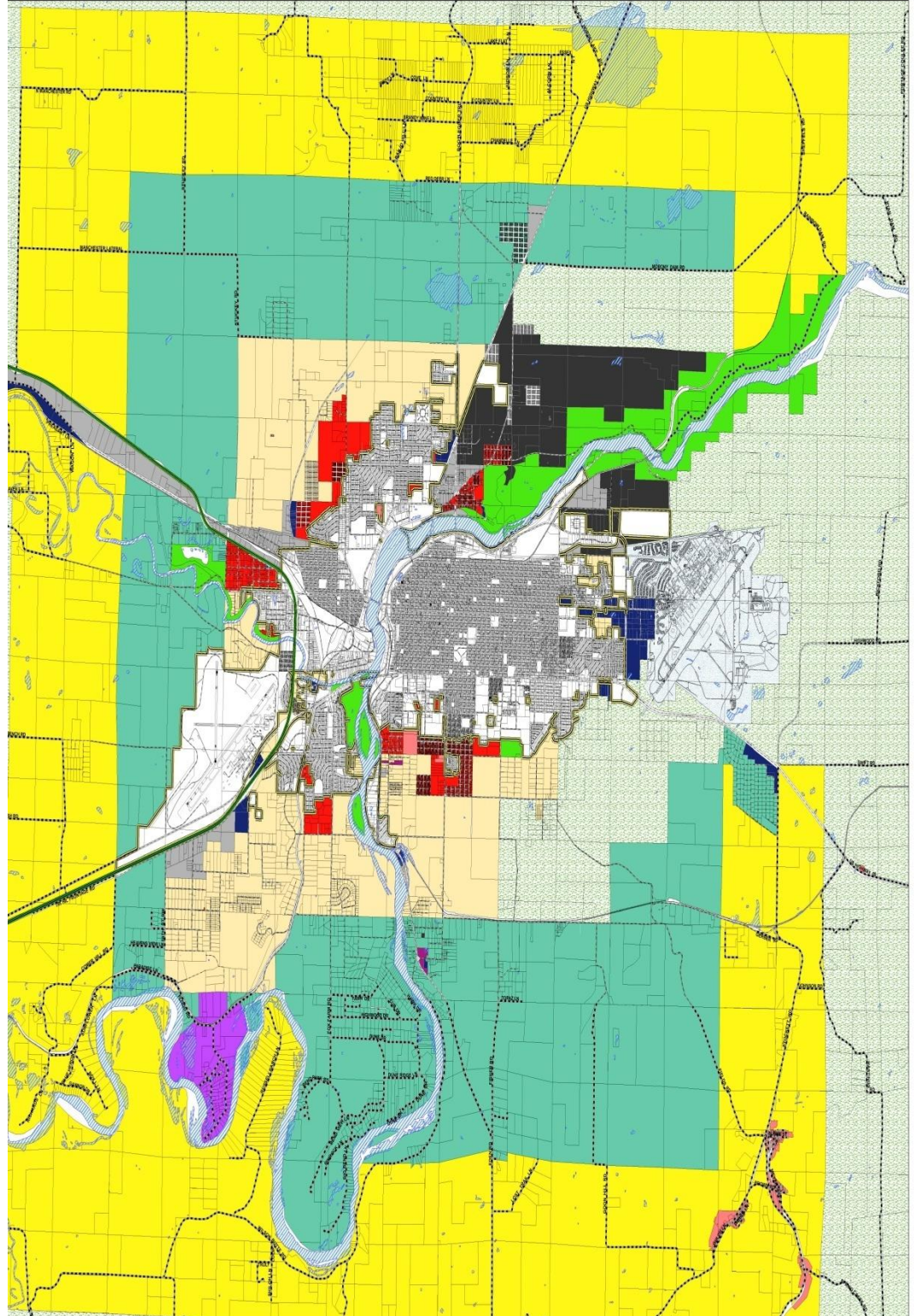




CASCADE COUNTY ZONING REGULATIONS

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PLANNING BOARD
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COUNTY COMMISSIONERS

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Cascade County

Zoning Regulations

Adopted April 26, 2005 Resolution #05-018
By Board of Cascade County Commissioners
Revised Version Adopted October 23, 2007
Resolution #07-71
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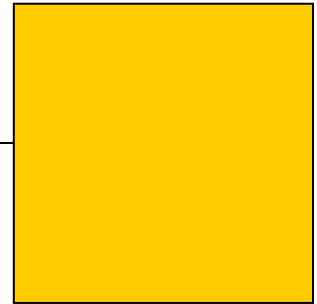


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These regulations are to be hereby known as the Cascade County Zoning Regulations. These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, Neihart, and the Flood Road Zoning District. This Zoning Jurisdictional Area is hereby created by the Cascade County Commission on April 26, 2005, by Resolution #05-018-

All areas of the County that are not in a Residential, General Business, Industrial, Mobile Home, Multi-Use, Open space, or PUD District shall be zoned as "A" Agricultural Use.

SECTION 1. PURPOSE

These regulations are adopted for the purpose of promoting, improving and protecting the public health, safety, comfort, convenience and the general welfare of the people and property owners within Cascade County exclusive of incorporated cities and towns and the existing zoning districts of Flood Road. The fulfillment of this purpose is to be accomplished by seeking the following objectives:

- 1.1 To provide for compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
- 1.2 To ensure proper living and working conditions and to prevent the development of blight and slums;
- 1.3 To establish adequate standards for the provision of light, air, and open spaces;
- 1.4 To facilitate the provision of adequate transportation, and of other requirements and services such as water, sewerage, schools, open space, and parks;
- 1.5 To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Cascade County;
- 1.6 To protect residential, business, commercial, and industrial areas alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by inappropriate uses;
- 1.7 To avoid the inappropriate development of lands and provide for reduction of flood damage;
- 1.8 To fix reasonable zoning standards to which buildings and structures shall conform;
- 1.9 To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein;
- 1.10 To foster a more rational pattern of relationship between residential, business, and industrial uses for the mutual benefit of all;
- 1.11 To isolate or control the location of unavoidable nuisance producing uses;
- 1.12 To define the powers and duties of the administrative and enforcement officers and bodies; and
- 1.13 To prescribe penalties for any violation of the provisions of this ordinance, or of any amendment thereto

The standards and requirements contained in these regulations and the district mapping reflected on the Zoning Map referenced in Section 4 herein, are intended to implement the Cascade County Zoning Regulations of the Board of County Commissioners of Cascade County, Montana.

Whenever the Board of County Commissioners of Cascade County and the Cascade County Planning Board are called upon to consider the adoption of a new zoning district or the amendment to an existing zoning district, zoning district regulations, or zoning district map, the Commissioners and Planning Board shall be guided by the following statutory provision:

Montana Code Annotated § 76-2-203 (2007). Criteria and guidelines for zoning regulations.

- (1) Zoning regulations must be:
 - (a) made in accordance with the growth policy or a master plan, as provided for in 76-2-201(1) and (2); and
 - (b) designed to:
 - (i) secure safety from fire, and other dangers;
 - (ii) promote public health, public safety, and general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) Zoning regulations must be made with reasonable provision of adequate light and air, the effect on motorized and non-motorized transportation systems, compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities, the character of the district and its peculiar suitability for particular uses and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

SECTION 2. DEFINITIONS

GENERAL

For the purpose of these regulations, certain terms or words herein shall be interpreted or defined as follows. Unless specifically defined in this section, words or phrases used in this regulation shall be interpreted so as to give them the meaning they have in common usage and to give this regulation its most reasonable application. Words used in the present tense include the future and the plural includes the singular. The word lot includes the words plat, tract or parcel. The word building includes the word structure. The word shall and must is intended to be mandatory. Occupied or used shall be considered as though followed by the words "or intended", "arranged", or "designed to be used or occupied".

ABANDONED BUILDING

Any vacant building which is frequented by persons who are not lawful occupants of such structure; or any vacant building which by reason of lack of maintenance or by reason of the boarding up of its doors and windows, or other reasons, has a substantial adverse effect on the value of property in the immediate neighborhood.

ABANDONED ITEM

Any item which has ceased to be used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following: (1) Present operability and functional utility of the item; (2) the date of last effective use of the item; (3) the condition of disrepair or damage; (4) the last time an effort was made to repair or rehabilitate the item; (5) the status of registration or licensing of the item; (6) the age and degree of obsolescence; (7) the cost of rehabilitation or repair of the item when compared to its market value; or (8) the nature of the area and location of the item

ACCESSORY BUILDING/STRUCTURE

A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts).

ACCESSORY DWELLING UNIT

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure or accessory structure.

ACCESSORY USE

A use that is incidental and subordinate to the principal use or building and located on the same lot with such principal use or building (includes accessory dwelling units).

ADMINISTRATIVE GOVERNMENT CENTER

A place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility; the term includes post offices, courthouses, correctional facilities and the like.

ADMINISTRATIVE SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms and the like.

ADMINISTRATIVE WAIVER

An Administrative Waiver is provided to add flexibility in the application of the Cascade County Zoning Regulations, in the sections where it is specifically allowed, when a standard is inapplicable or inappropriate to a specific use or design proposal. A written request for an Administrative Waiver shall be submitted to the Planning Director or his/her designee and shall include a justification in terms of the findings necessary to grant Administrative Waiver. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Department.

The Planning Director may choose to act upon the request for the Administrative Waiver or may refer the request directly to the Zoning Board of Adjustment. The Planning Director or his/her designee must make all of the following findings in order to grant an Administrative Waiver:

1. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
2. The intent of the section and the specific regulation in question is preserved; and
3. The granting of the Administrative Waiver will not result in an adverse impact upon surrounding properties.
4. All neighboring property owners within five-hundred (500) feet of the waiver request property shall be notified via certified mail and allowed to submit comments orally or in writing within ten (10) days of the mailing date.

The Planning Director or his/her designee shall render a decision on the request within thirty (30) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Board of Adjustment meeting which allows for the required public notice.

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer individuals per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT BOOK STORE/ADULT VIDEO STORE

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas;

Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT CABARET

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

Persons who appear semi-nude;

Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;

Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

ADULT MOTEL

A hotel, motel or similar commercial establishment which:

Offers accommodations to the public for any form of consideration; provides to patrons as a primary service of the establishment, closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or

Offers a sleeping room for rent for a period of time that is less than 10 hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER

A commercial establishment which, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

AGRICULTURAL BUILDING

Structures intended primarily or exclusively for support of an agricultural function, and exemplified by, but not restricted to, barns, silos, water towers, windmills, greenhouses.

AGRICULTURAL COMMODITY STORAGE FACILITY

A place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing; the term includes grain elevators and such facilities.

AGRICULTURAL SALES

A place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations; the term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like; the term does not include wholesale sale.

AGRICULTURAL USE

The use of land for periodic livestock sales and the like, tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey.

AGRICULTURE, HORTICULTURE

A place and/or building, or portion thereof, that is used or is intended for growing fruit, vegetables, flowers and other plants typically grown on farming operations in the region.

AGRICULTURE, LIVESTOCK

Place and/or building, or portion thereof, that is used or is intended for raising horses and/or cattle, exclusively (see definition Animal, Livestock).

AIRPORT

A place and/or building, or portion thereof, that is used or is intended for the landing and takeoff of airplanes, helicopters, similar craft, including all necessary facilities for the housing and maintenance of the same.

AIRPORT ELEVATION

The established elevation of the highest point on the usable landing area.

AIRPORT HAZARD

Any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

AIRPORT INFLUENCE AREA

All land in the proximity of an airport, the use of which may be affected by the airport's existence.

AIRPORT REFERENCE POINT

The point established as the approximate geographic center of the airport landing area and so designated.

AIRPORT, PRIVATE

An airport that is used by the owner and other persons authorized by the owner and not open for general public use.

AIRPORT, PUBLIC

An airport that is open for general public use.

ALLEY

A narrow service way, not less than sixteen (16) feet wide, which provides a secondary public means of access to abutting properties.

ALTERATION

As applied to a building or structure

A Change or Rearrangement of the structural parts in the existing facilities, or

An Enlargement or Addition on a building or structure, or
Moving a building or structure from one location or position to another, or

Alteration, Structural

Any change of supporting members of a building such as bearing walls, columns, beams, or girders.

ANIMAL DEALER

Any person who, in commerce or for compensation or profit, delivers for transportation, or transports, buys, sells or negotiates the purchase of any animal (alive or dead, including unborn animals, organs, limbs, blood, serum or other parts) for research, breeding, teaching, testing, experimentation, or exhibition or as a pet.

ANIMAL DEALER, CLASS A

A person meeting the definition of "dealer" and whose business involving animals consists only of animals that are bred and raised on the premises.

ANIMAL, DOMESTIC

Any animal customarily kept by humans for companionship, including, dogs, cats, birds, rabbits, hamsters, mice, turtles, ferrets, pot-bellied pigs, and the like, but not to include any traditionally wild animal, including, but not limited to, wolf, skunk, bear and racoon.

ANIMAL, LIVESTOCK

Any animal customarily kept by humans for the purpose of providing food, clothing or work, including equine, bovine, ovine, caprine, porcine, fowl, emus, ostriches, and llamas, buffalo, excluding bees.

ANIMAL, EXOTIC

Any species of animal not considered domestic or livestock.

ANIMAL SHELTER

A place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

ANTENNA

Any system or specific device which is used to capture an incoming and/or to transmit an outgoing radio frequency signal.

A device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include: (1) mobile services providing public information of coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.

APARTMENT GARAGE

A part of a garage consisting of a room or rooms intended, designed or used as a residence by an individual or a singlefamily.

APARTMENT HOUSE

A building arranged, intended or designed to be occupied by more than three (3) families living independently of each other.

APIARY

A place where bee colonies are kept.

APPEAL

A request to the Zoning Board of Adjustment to rescind or modify a decision or determination made by the Zoning Administrator. An appeal may also consist of a petition filed with a court of record to hear a determination of the Zoning Board of Adjustment or the Board of County Commissioners.

ARCADE

A covered walkway, often with shops on one side or both.

AREA, NET SITE

The total area within the property lines exclusive of external streets.

ARTISAN SHOP

Place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale; examples of such items include paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

AUCTION SALES

A place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public; the term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

AUTO COURT

A building or group of buildings, detached or semi-detached, containing rooms or apartments and having automotive parking or storage space provided directly or in close connection therewith. Such buildings or group of buildings designated as auto cabins, motels, motor lodges, or by similar designations, being designed and used primarily for the providing of sleeping accommodations for travelers.

BASEMENT

A story partly underground, but having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if it is used for business or dwelling purposes. (Also see cellar.)

BED AND BREAKFAST

Single family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. (Refer to: 50-51-102, MCA).

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise levels.

BOARDING HOUSE

A dwelling with less than twenty (20) sleeping rooms in which persons either individually or as families are housed or lodged and are provided meals at said dwelling. A room house or furnished rooming house shall be deemed a boarding house.

BOARD OF AIRPORT HAZARD ADJUSTMENT

Means that Board as provided in Section 12 of these regulations.

BUFFERYARD

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen uses from one another.

BUILDABLE AREA

The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

BUILDING

A roof supported by walls or columns for the enclosure of persons, animals or property of any kind or nature.

BUILDING, ACCESSORY

A supplemental building, the use of which is incidental to that of the main or principal building and which is located on the same lot therewith.

BUILDING AREA

A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of covered porch, terraces and steps.

BUILDING, DETACHED

A building surrounded by open space, as required herein.

BUILDING, FRONT LINE OF

The minimum horizontal distance between the front lot line and the fascia board or parapet of the front wall of a building excluding open steps and stoops.

BUILDING, HEIGHT

The vertical distance measured from the average elevation of the front lot line at finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the main heights between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, MAIN

A building in which is conducted the principal use of the lot on which it is situated.

BUS TRANSIT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

CALIPER

A standard for trunk measurement of nursery stock that is measured from a specified distance above the ground.

CAMPING GROUND

A parcel of land used or intended to be used, let or rented for occupancy by campers. Even though the occupancy by campers shall be in trailers, tents, movable or temporary buildings, rooms or sleeping quarters of any kinds, the same shall still be deemed to be a camping ground.

CASINO

An establishment that offers, whether as an accessory use or primary use, any form of legalized gambling authorized under Title 23, Chapter 5, Part 1 MCA (except for §23-5-160 regarding shaker dice or shake-a-day games) and Parts 3 through 6. This term does not include organizations and facilities designated as exempt under state law. "Casino" means any and all establishments that offer legalized gambling authorized under Title 23, Chapter 5, Part 1, et. seq., MCA and where any one of the following characteristics applies:

1. the establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
2. five or more gambling machines are on the premises; and/or
3. a card table is on the premises.

CEASE AND DESIST ORDER

An order issued by the county, which requires that any activity found in violation of this regulation must cease immediately.

CELLAR

A story partly or entirely underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. (Also see basement.)

CEMETERY

A place and/or building, or portion thereof, that is used or is intended for burial purposes; accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

CIVIC USE FACILITY

A place and/or building, or portion thereof, that is used or is intended for large gatherings of people; the term includes zoos, arenas, stadiums, fairgrounds, and the like.

CLEAR VISION TRIANGLE

An area of unobstructed vision at street intersections between three and eight feet above the established road grade and within a triangular area at the street corner; the area is bounded by the street property lines of corner lots and a line joining points along said street lines 20 feet from their point of intersection.

CLUB

An organization catering exclusively to members and their guests in premises and buildings for recreational, social and athletic purposes. Such operations shall not be conducted primarily for gain, and also, there shall not be conducted any vending, merchandising or commercial activities, except those generally required for the membership and purposes of the club or organization.

COMMERCIAL DEVELOPMENT/ INDUSTRIAL DEVELOPMENT PERMIT

A permit issued by the Board of Cascade County Commissioners that changed the zoning designation of the subject property from its former designation to that of commercial or industrial as specified by the conditions of approval. This type of permit is no longer issued.

COMMERCIAL EDUCATIONAL FACILITY

An educational facility operated by private institutions or individuals that is used or is intended for preparing students for jobs in trades or professions; the term includes music schools, hair styling schools, real estate schools, and the like.

COMMERCIAL FEEDLOT

Establishments engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry / egg farms, and cattle feed lots. The term does not include 4-H, FFA and other youth experiential learning programs, staging of livestock for immediate transport, or slaughterhouses. Pastures shall not be considered animal feedlots.

COMMERCIAL USE

A use that involves the exchange of cash, good or services, barter, forgiveness of indebtedness or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time. This includes land uses which are allowed by right or through the special review process in the B, MU, I-1 and I-2 zones, as listed in these regulations.

COMMUNITY CENTER

A place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities; the term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

COMMUNITY CULTURAL FACILITY

A place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts; the term includes libraries, museums, art galleries, observatories, and the like; the term does not include performing arts.

COMMUNITY GARDEN

An outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use; the community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

COMMUNITY RESIDENTIAL FACILITY

Any one of the following as defined:

Community group home

Family-oriented residence that is designed to provide residential services for two to eight individuals with severe disabilities and that does not provide skilled or intermediate nursing care; the term does not preclude the provision of skilled or intermediate nursing care by third-person providers (Source: 52-4-202, MCA).

Youth foster home

Youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment (Source: 52-2-602, MCA).

Youth group home

Youth care facility licensed by the state in which seven to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment (Source: 52-2-602, MCA).

Halfway house

Place and/or building, or portion thereof, which is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (Source: 53-24-103, MCA).

Adult foster family care home

Private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals (Source: 52-3-302 MCA).

COMPOSTING FACILITY

A place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting; the term includes the storage and manipulation of materials prior to, during, and following composting.

CONCENTRATED ANIMAL FEEDING FACILITY / OPERATION

Ref. MCA, Sections 75-5-801 (2), (3), and (4) - Concentrated animal feeding facility / operation means an animal feeding operation that is defined as a large concentrated animal feeding operation or as a medium concentrated animal feeding operation or that is designated as a concentrated animal feeding operation in accordance with 40 CFR, part 122. Two or more animal feeding operations under common ownership are considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

CONIFEROUS

A plant with foliage that persists and remains green year-round.

CONSTRUCTION MATERIALS SALES

A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like; the term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

CONTRACTOR YARD

A place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space. CONTRACTOR YARD, SMALL

A contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

CONTRACTOR YARD, LARGE

Contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

CONVENIENCE SALES

A place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items; the term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

COURT

An unoccupied open space other than a yard on the same lot with a building which is bounded on two (2) or more sides by the walls of such building.

COURT, INNER

A court enclosed on all sides by exterior walls of the building, or by exterior walls and lot lines on which walls are allowable.

COURT, OUTER

A court extending to a street line or opening upon any front, side, or rear yard.

COVERAGE

That percentage of the plot or lot area covered by a structure.

CURB LEVEL

The officially established grade of the curb in front of the mid-point of the lot.

DAY CARE CENTER

A place and/or building, or portion thereof, that is used or is intended to provide day care to 13 or more children on a regular basis (Source: 52-2-703, MCA).

DECIDUOUS

A plant with foliage that is shed annually.

DEVELOPMENT

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure or any use or extension of the use of the land.

DRIP LINE

A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DROUGHT AVOIDANCE

The ability of a plant to withstand drought without showing signs of stress.

DROUGHT TOLERANCE

The ability of a plant to withstand drought without dying.

DWELLING

A building designed for use or used as a living quarter for one (1) or more families and which for these regulations may include a mobile home as defined herein.

DWELLING, ONE FAMILY

Detached dwelling designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY

A building designed for or occupied exclusively by two (2) families living independently of each other, except that common laundry facilities are allowed.

DWELLING MULTIPLE

A building used or designed as a residence for three (3) or more families living independently of each other doing their own cooking therein. This shall include apartment houses, apartment hotels, flats, and group houses.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities, constituting living quarters for one family and a bathroom and kitchen facilities, for one (1) family.
EDUCATIONAL FACILITY (K-12)

A place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school.

EDUCATIONAL FACILITY (HIGHER EDUCATION)

Any place and/or building, or portion thereof, that offers or is intended to provide secondary education; the term includes colleges, universities, community colleges, and vocational schools.

ENCOURAGE

To stimulate, foster or help advance an event or some occurrence.

ENHANCE

To improve or increase in value or attractiveness.

FACTORY-BUILT HOME

A dwelling unit that is wholly or substantially constructed off-site and transported to the building site for assembly on a permanent foundation and which was constructed in accordance with the Uniform Building Code, Uniform Mechanical Code, National Electrical Code and Uniform Plumbing Code. The term does not include a mobile home.

FAMILY

An individual or two or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

FAMILY DAY CARE HOME

A private residence in which day care (meaning care is less than 24 hours per day) is provided to three to six children from separate families on a regular basis (Source: 52-2-703, MCA).

FARM

Any parcel of land containing at least twenty (20) acres, which is used for one or more of the following uses: the raising of agricultural products, livestock, poultry, or dairy products for gain. It includes necessary farm structures and the storage of equipment used.

FENCE

Structure around the perimeter of a space that provides privacy, aesthetics, or security.

FILLING STATION, PUBLIC GASOLINE

Any area of land, including any structure or part thereof, that is used or designed to be used for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of these regulations, also deemed to be included within this term shall be: any area or structure used or designed to be used for polishing, greasing, washing, spraying (other than paint), dry cleaning, or otherwise cleaning or servicing such motor vehicles.

FINANCIAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing financial and banking services; the term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities; the term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

100-YEARS FLOODPLAIN

The area generally adjoining a stream that would be covered by floodwater during a 100-year flood event, except for designated shallow flooding areas that receive less than one foot of water per occurrence.

100-YEARS FLOOD

A flood having a one percent chance of being equaled or exceeded in any given year. A 100-year flood is the same as a base flood.

FLOODPLAIN

The area generally adjoining a stream which would be covered by a floodway. From a regulatory standpoint, it consists of the floodway and floodway fringe.

FLOODPLAIN ADMINISTRATOR

The individual the Board of County Commissioners assigns to administer the floodplain regulations contained in this Title.

FLOOD INSURANCE RATE MAP (FIRM)

The map on which the Federal Emergency Management Agency has delineated both the 100-year floodplains and the risk premium zones.

FLOOD INSURANCE STUDY

The report in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundary-floodway map and the water surface profiles.

FLOODWAY

The channel of a stream and the adjacent over bank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half foot.

FLOODWAY FRINGE

That portion of a floodplain outside the limits of the floodway.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings.

The Floor Area of a building or buildings shall include:

Basement space,

Elevator shafts and stairwells at each floor,

Penthouses,

Floor space for mechanical equipment -

Structural headroom of seven (7) feet six (6) inches or more,

Attic space -

Whether or not a floor has actually been laid) providing structural headroom of seven (7) feet six (6) inches or more,

Interior balcony and mezzanines,

Enclosed porches,

Accessory uses -

Not including space for accessory off-street parking.

FLOOR AREA, RATIO OF A BUILDING

A quotient of the floor area of the building divided by its lot area.

FOUNDATION

Any footings, pads, slabs or other improved surfaces, excluding driveways, or paved parking areas which are installed with tie-downs or fasteners for the purpose of erecting a structure thereon.

FOWL

A term applied to wild birds including upland game birds (e.g., pheasant, quail, grouse, partridge, etc.) and wild waterfowl (e.g., ducks, geese, and swans).

FREESTANDING SIGN

A.K.A. Pole Sign means a sign supported wholly by a pole or poles, I-beam or a structure in the ground with no part of itself attached to a building.

FREIGHT TERMINAL

A place and/or building, or portion thereof, that is used or is intended for the temporary storage of items that will be reloaded onto trucks for final shipment.

FUEL TANK FARM

A place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

FUNERAL HOME

A place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial; the term includes funeral homes and mortuaries.

GARAGE, PRIVATE

Building that is intended to house vehicles and household items belonging to the owner of the principal residence.

GARAGE, PUBLIC

Any garage, other than a private garage, available to the public, operated for gain and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GENERAL REPAIR

A place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, and the like; the term does not include repair of vehicles or industrial equipment.

GENERAL SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a diverse product line; the term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.

GENERAL SERVICES

A place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category; the term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

GLARE

Luminance in excess of what the human eye is accustomed to, resulting in annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE/DRIVING RANGE

A place, whether organized for profit or not, that is used or is intended for playing golf.

GRANDFATHERED

Describes the status accorded certain properties, uses, and activities that are legally existing prior to the date of adoption of the zoning ordinance or provisions of the zoning ordinance.

GROUP DAY CARE

A private residence in which day care (meaning care is less than 24 hours per day) is provided to seven to twelve children on a regular basis (Source: 52-2-703, MCA).

GUEST HOUSE

An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

HARDSHIP

A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of the property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.

HEALTH CARE CENTER

A place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation; the term includes dental clinics, doctor's offices, and sports medicine facilities; the term does not include those uses as classified as a health care facility.

HEALTH CARE FACILITY

A place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals; the term does not include offices of private physicians or dentists; the term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day-care centers as defined in state law. (Source: 50-5-101, MCA).

HEIGHT

A line of measurement between two given points contained in a plane that is perpendicular to ground level.

HEIGHT – AIRPORT AREA

For the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HELI PAD

A place that is used or intended to land helicopters.

HOME OCCUPATION

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

HORIZONTAL SURFACE

A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, prevention facility, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or care of ailments and to be limited to the above-named place.

HOTEL

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and in which only a general kitchen and dining room are provided within the building or an accessory building.

IMMEDIATE FAMILY

A spouse, children by blood or adoption and parents.

INDOOR ENTERTAINMENT

A place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types; the term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

INDOOR SPORTS AND RECREATION

A place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types; the term includes rifle (small bore) and pistol ranges, bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, and the like.

INDUSTRIAL, HEAVY

Place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions; the term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

INDUSTRIAL, LIGHT

Place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing; the term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

INDUSTRIAL PARK

Planned and coordinated development designed to accommodate a variety of and more than two industrial uses.

INDUSTRIAL USES

Uses of land which are allowed by right or through the special permit process only in the I-1 or I-2 zoning classifications, as listed in these regulations.

INDUSTRIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "I", followed by a number as its abbreviation (e.g. I-1).

INSTRUCTIONAL FACILITY

Any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aid or land aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

JUNK YARD

Place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

KENNEL, COMMERCIAL

A place, building, or portion thereof, or activity, that is used or is intended for housing three or more dogs cats or other domesticated animals over six months of age or for the purpose of boarding, breeding, training, or sale; the term includes boarding kennels, dog motels, and dog training centers; the term does not include animal hospitals, animal grooming parlors, or pet shops.

KENNEL, PRIMARY ENCLOSURE

Any structure or device used to restrict an animal to a limited amount of space including, but not limited to, a room, pen, run, cage, tether (and areas within reach of tether) or compartment

KENNEL, PRIVATE

Place where dogs are kept and not classified as a commercial kennel.

LANDING AREA

The area of the Airport used for the landing taking off or taxiing of aircraft.

LAND DEVELOPMENT

Any activity that must comply with the provisions of this regulation.

LANDSCAPING MATERIAL, INORGANIC

Nonliving material such as river rock, stone, bark chips, mulch, flower tubs, fountains, outdoor plazas or other environmental amenities as approved by the Zoning Coordinator.

LANDSCAPING MATERIAL, ORGANIC

Living vegetative material such as trees, shrubs, vines, turf, and flower beds. Material cannot include any of the noxious weeds listed at;

<http://agr.mt.gov/weedpest/pdf/weedlist3-08.pdf>

LAND USE

As the context would indicate, (1) the development that has occurred on the land; (2) development that is proposed on the land; or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

LAND USE, ACCESSORY

Any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

LAND USE, PRINCIPAL

The dominant land use of a parcel of land.

LANDSCAPE PLAN

A scaled plan that shows the areas of a site to be landscaped and provides design, planting and irrigation specifications.

LANDSCAPING

Living material (e.g., turf grass, ground cover, shrubs, vines hedges) and non-living durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

LARGE EQUIPMENT RENTAL

A place and/or building, or portion thereof, which is used or is intended for renting large equipment that is normally stored out of doors; typical items would include trucks, vertical lifts, fork lifts, back hoes, other types of heavy equipment and modular buildings.

LARGE HOOFED GRAZING LIVESTOCK ANIMAL

Animals such as, but not limited to, horses, cows, emus, llamas, ostriches, and the like.

LARGER THAN UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LAUNDROMAT

A business premise equipped with individual clothes washing machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or apartment or hotel.

(LDN) DAY-NIGHT AVERAGE SOUND LEVEL

This is the A-weighted average sound level in decibels during a 24-hour period (or specified multiple thereof, such as a year) with a 10 decibel weighting applied to nighttime sound levels (10:00 pm to 7:00 am).

LETTER OF MAP CHANGE

An official revision to a FEMA flood map issued only by FEMA. There are two letters of official flood map revision; a Letter of Map Amendment (LOMA) and a Letter of Map Revision (LOMR).

LIMITED AGRICULTURAL USE

Agricultural operations, including the keeping of farm animals for personal, non-commercial use only, and which use is clearly incidental to the residential use of the land.

LINE, STREET

The dividing line between the dedicated right of way of a street and an adjacent lot.

LOADING AREA

An off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer or truck.

LODGING HOUSE

A building in which more than two (2) and less than twenty (20) rooms are rented and in which no table board is furnished.

LOT

A parcel of ground with a definable location, based on a recorded survey or similar instrument.

LOT AREA

The area of the horizontal plane, bound by the vertical planes through front, rear and side lot lines.

LOT, CORNER

A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT COVERAGE

A measure of land use intensity; it compares the portion of a site that is covered by impervious surfaces with the overall area of the site; e.g. a two-acre site with 0.5 acres of impervious surface has a lot coverage of 0.25 or 25 percent ($0.5 / 2 = 0.25$).

LOT, DEPTH OF CORNER

A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines.

LOT, FLAG

A lot with access provided by a corridor from a street to the bulk of the lot.

LOT, INTERIOR

A lot that abuts only one road.

LOT, KEY

A lot in which the front half, or portion, of the side lot line forms the rear lot line of an adjoining lot.

LOT, REVERSE

A lot in which the rear lot line forms the front part of the side lot line of an adjoining lot.

LOT, THROUGH

A lot having a frontage on two more or less parallel streets.

LOT, WIDTH OF

The average width measured at right angles to the depth.

LOT, ZERO LOT LINE

A lot where the building is placed on or near one of the side lot lines.

LOT LINE

A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT

A lot line described for each of the following type of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street, providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

A lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE

A lot line not a front or rear lot line.

LOWEST FLOOR

Any floor used for living purposes, storage or recreation, or that could be converted to such a use.

MAINTAIN

To support, keep and continue in an existing state or condition without decline.

MANUFACTURED HOME

A dwelling unit that meets construction standards adopted by the U.S. Department of Housing and Urban Development (HUD); characteristically, this type of housing is built in a factory on a permanent chassis.

MANUFACTURED HOUSING SALES

A place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

MANUFACTURING

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MARKET VALUE

The most probable price, expressed in terms of money that a property would bring if exposed for sale in the open market in an arm's length transaction between a willing seller and a willing buyer, both of whom are knowledgeable concerning all the uses to which it is adapted and for which is capable of being used.

MEAN SEA LEVEL

The National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations are referenced.

MICRO-BREWERY

A place and/or building, or portion thereof, that is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

MINIATURE GOLF

A place and/or building, or portion thereof, that is used or is intended for playing miniature golf

MINIMIZE

No other alternative would result in a lesser impact.

MINI STORAGE FACILITY

A place and/or building, or portion thereof, which is divided into individual spaces and is used or is intended as individual storage units that are rented, leased, or owned; the term includes a tract of land used to store vehicles that are not for sale or trade.

MITIGATE

To take an action designed to offset or rectify a negative effect.

MOBILE HOME

A dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used with or without a permanent foundation.

MOBILE HOME COURT

A tract of land which is specifically designed, intended and maintained for locating mobile homes, or mobile homes and travel trailers, and which is owned by one party who rents or leases lots to individual tenants. Two (2) or more mobile homes or mobile homes and travel trailers upon one (1) tract constitute a mobile home court.

MOBILE HOME PAD

The area of a mobile home space which has been prepared for the placement of a mobile home.

MOBILE HOME PARK

A tract of land that provides or will provide spaces for two or more mobile homes.

MOBILE HOME SPACE

A designated portion of a parcel of land designed for the accommodation of one *mobile home* and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME SUBDIVISION

A tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets, in accordance with the regulations and the lots then sold or rented to the occupant.

MODULAR HOME

See Factory-Built Home.

MOTEL OR TOURIST COURT

A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside; where a garage is attached or a parking space is conveniently located to each unit; for the temporary use by automobile tourists or transients. Such words include auto courts, motor lodges, motor inns, and similar terms.

MOTOR VEHICLE

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.

MOTOR VEHICLE GRAVEYARD

Place and/or building, or portion thereof, that is maintained and operated by a county and that is used or is intended as a collection point for junk motor vehicles prior to their disposal. (Source: 75-10-501, MCA).

MOTOR VEHICLE REPAIR SHOP

A building or portion of a building used primarily for making repairs to motor vehicles.

MOTOR VEHICLE WRECKING FACILITY

Place and/or building, or portion thereof, that is used or is intended for buying, selling, or dealing in 4 or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts; a facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification; the term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard. (Source: 75-10-501, MCA).

MULCH

Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots; examples include bark, wood chips and coffee bean hulls.

MULTI-FAMILY DWELLING

A dwelling unit that is part of a structure containing one or more dwelling units. Multi-Family dwellings include duplexes, triplexes, fourplexes, apartments, townhouses, etc.

NEW CONSTRUCTION

Structures for which the start of construction, substantial improvement or alteration commences on or after the effective date of these regulations.

NON-CONFORMING BUILDING

Any building that at the time of construction, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING LOT

Any lot that at the time of creation, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING STRUCTURE

Any structure that at the time of construction or placement, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NON-CONFORMING USE

Any use of land that at the time of establishment, conformed to existing rules and regulations, but is now inconsistent with this regulation.

NONINSTRUMENT RUNWAY

A runway other than instrument runway.

NONPRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NOXIOUS WEED

Any exotic plant species established or that may be introduced in the state which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

NURSING OR CONVALESCENT HOME

A place that provides 24-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

NURSERY SCHOOL

A facility used to provide care and/or instruction for five (5) or more children.

OCCUPANCY

The purpose for which a building, or part thereof, is used or intended to be used.

OFF-PREMISE SIGN

A sign that directs attention to a business, commodity, service, activity or product not sold, conducted or offered for sale on the premise where the sign is located.

OFF-SITE LIQUOR SALES

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

ON-SITE CONSTRUCTION OFFICE

Building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

ON-SITE REAL ESTATE SALES OFFICE

Residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

OPEN SPACE

An unoccupied space open to the sky on the same lot with a building.

OPEN SPACE DISTRICT

A zoning classification that limits the allowable uses to agriculture, recreation, parks, reservoirs, and water supply lands. Open Land Districts are most commonly used for publicly owned lands, but are also used in areas subject to flooding (floodplain zones) and other natural hazards.

OUTDOOR ENTERTAINMENT

A place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events; the term includes race tracks, motocross courses, sports arenas, paintball fields and the like.

OWNER OF RECORD

The person or persons who are listed in the official county records as the legal owners of a tract of record.

PARCEL OF LAND

A unit of land, all parts of which are contiguous, including contiguous lots, in the possession of, owned by or managed by the same person.

PARK

A place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association; the term includes developed and undeveloped areas and neighborhood recreation centers.

PARK DEDICATION

Land set aside by the developer for park purposes.

PARKING GARAGE

An off-street building used to temporarily park vehicles.

PARKING LOT

An off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

PARKING SPACE

The area required for parking one (1) automobile, which in these regulations is held to be an area of three hundred (300) square feet. (The area of three hundred (300) square feet per automobile is a gross area figure including area needed within the lot for ingress and egress to the parking space).

PARKING STRUCTURE

A multilevel structure that is used or is intended for parking motor vehicles for a short duration; the term does not include underground parking.

PERMANENT TREE PROTECTION DEVICES

Structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root system throughout its lifetime.

PERMIT

A written governmental authorization allowing the holder to take action not otherwise allowed.

PERIMETER LANDSCAPING

The landscaping located appurtenant to the outer property lines, exclusive of the property line(s) which abut a public street right-of-way.

PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standard of such district.

PERSON

Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons, having a joint or common interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use (Source: 76-3-103 MCA).

PLANNING BOARD

The Cascade County Planning Board, created pursuant to Title 76, Chapter 1, MCA.

PLAT

A graphical representation of a subdivision, showing the division of land into lots, blocks, streets, alleys and other divisions and dedications.

PLAT, AMENDED

A plat showing adjustments to a final plat that has been recorded with the County Clerk and Recorder.

PLAT, CONCEPT

A drawing of a proposed subdivision that is general in nature and shows the essential elements of the project.

PLAT, FINAL

A plat to be filed with the County Clerk and Recorder and that contains all of the elements and requirements set forth in this Title and the Montana Subdivision and Platting Act.

PLAT, PRELIMINARY

A plat that is submitted for review and that contains the minimum information required in this Title and the Montana Subdivision and Platting Act.

POLE SIGN

A.K.A. freestanding sign; a sign supported wholly by a pole or poles, I-beam or structure in the ground and not a part of or attached to a building at any point.

POLLUTION OR POLLUTANTS

The presence in the outdoor atmosphere, ground or water of any substance, contaminant, noise or any other manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of air, soils or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

POLLUTION, NONPOINT SOURCE

A diffuse source of pollution, resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management practice, rather than by an engineered containment or structure (Source: 16.20.1001 ARM).

POLLUTION, POINT SOURCE

A single, discernable source of pollution, resulting from the activities of man, the effects of which normally must be addressed or controlled by an engineered system.

PORCH

A part of a building with a roof of its own that covers an entrance.

POULTRY

A term applied to a domesticated bird (chickens, ducks, geese, and turkeys) raised for food (either meat or eggs).

POWER PLANT

A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. For wind energy see Wind Energy Conversion System Definition.

POWER PLANT, COMMERCIAL WIND FARM

See definition of Wind Energy Conversion System (WECS) Commercial.

POWER PLANT, HYDROELECTRIC

All aspects of any project or development necessary for or related to the generation of hydroelectric energy, including but not limited to conduits, dams, diversions, fish ladders and screens, generators, impoundments, penstocks, turbines, transmission facilities and related buildings, structures, storage areas, access roads, parking areas, and surrounding and adjacent lands which are necessary for or related to the facility.

POWER PLANT, PRIVATE

An electrical power generation facility that, regardless of fuel or energy source, is operated by a private property owner or lessee, and whose primary function is the provision of electricity to the permitted use(s) on the site the facility is located.

PRECISION INSTRUMENT RUNWAY

A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRESERVE To save from change or loss and reserve for a special purpose.

PRIMARY SURFACE

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that

runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 9.2.2 of these regulations. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING

The primary building on a lot or a structure that houses a principal use.

PRINCIPAL LAND USE

See Land Use, Principal.

PROFESSIONAL OFFICE IN A RESIDENCE

A professional office or studio located in the residence of a physician, surgeon, doctor, lawyer, engineer, architect, artist, teacher, registered nurse, accountant, and such use shall be secondary and incidental to the residential use of the building. The profession must be carried on in the principal building, limited to two (2) personnel. The profession may be advertised by a professional nameplate or sign not to exceed two-hundred-forty (240) square inches, that is attached to the main door or suspended in a window, and may be illuminated but not in a flashing manner. Also, employment of not more than one (1) person not a member of the immediate family is permitted only at the discretion of the Zoning Board upon application in writing describing the full nature and extent of the occupation.

PROFESSIONAL SERVICES

A building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis; the term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

PUBLIC ENTITY

Any agency, political subdivision or unit of local government of this state, or private utility regulated by the [state], including but not limited to municipal corporations, special purpose districts and local service districts, private regulated utilities, any agency of the [state], the United States or any state thereof, or any Indian tribe recognized as such by the federal government.

PUBLIC SAFETY FACILITY

Any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services; the term includes ambulance services, fire stations, police stations, and the like.

PUBLIC USES

Uses of land which are considered public in nature such as parks and recreation areas, public or private schools, colleges, playgrounds, day care centers or churches, or other public buildings.

PUBLIC VIEW

A point six feet above the surface of the center of any adjacent public right-of-way, including, but not limited to avenues, streets and alleys.

QUARRY, SAND PIT, GRAVEL PIT, TOP SOIL STRIPPING

A lot or land or part thereof used for the purpose of extracting stone (including grinding, cutting, breaking, forming, and finishing of quarried rock), sand, gravel or topsoil for sale as an industrial operation and exclusive of the process of grading the lot preparatory to the construction of a building for which application for a zoning permit has been made.

RAILROAD YARD

Place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

READILY VISIBLE

An object that stands out as a prominent feature of the landscape when viewed with the naked eye.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL VEHICLE

A vehicular type unit, primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE PARK

A tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park, designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

RECREATION TRAIL

A linear path which may be dedicated to a single use or multiple uses; examples include hiking trails, bike trails, x-country ski trails, and horse trails.

RECYCLING CENTER

A place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products; typical types of recoverable materials include glass, newspaper, metal, and plastic; the term shall not include a junk yard.

REGIONAL AIRPORT AUTHORITY

A body appointed by the Great Falls City Commission, the Board of Cascade County Commissioners, and the County Commissioners of any other counties a part of the regional airport, which is responsible for the operation and management of the Great Falls International Airport.

REGISTERED ARCHITECT

An individual licensed to practice architecture in Montana.

REGISTERED LAND SURVEYOR

An individual licensed to practice surveying in Montana.

REGISTERED PROFESSIONAL ENGINEER

An individual licensed to practice engineering in Montana.

RELATED EQUIPMENT

All equipment ancillary to the transmission and reception of voice and data via radio frequencies; such equipment may include, but is not limited to, cable, conduit and connectors.

REMAINDER

That part of an original tract which is not created for transfer, but which is left after parcels are segregated for transfer (see Montana Supreme Court, 2008 MT 214, which requires certificates of surveys creating one or more parcels of land containing less than 160 acres to meet one of the specified exemptions in the Act or undergo subdivision review)

REMODEL

To only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

RESIDENCE

A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments.

RESIDENCE, SINGLE FAMILY DETACHED

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, ZERO LOT LINE

A single building that is situated on one lot, contains one dwelling unit and is not attached to any other dwelling unit by any means; the side wall of the building is placed directly on or very close to one of the adjoining side yard property boundary lines; the term includes factory-built homes, manufactured homes and stick-built homes, but excludes mobile homes.

RESIDENCE, TWO FAMILY

A single building that is situated on one lot and contains two dwelling units.

RESIDENCE, MULTI FAMILY

A single building situated on one lot and contains three or more separate dwelling units; entrances to the dwelling units may be separate or combined; the units may be rented or owned as in a condominium.

RESIDENCE, TOWNHOUSE

A building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

RETIREMENT HOME

A place and/or building, or portion thereof, that is used or is intended to provide independent living quarters, either owned or rented, to individuals generally 62 years of age or older; limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home.

RESIDENT HOTEL

A building occupied by permanent guests only and not for transients. This building may also include restaurants, newsstands, and other accessory services, only if such services are primarily for serving its occupants and only incidentally to the public.

RESIDENTIAL ZONING DISTRICT

Any zoning district established by this regulation that has an "R", followed by a number as its abbreviation (e.g., R-1).

RESTAURANT

A place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for immediate consumption on the premises, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages; the term does not include a grocery store with a food service section.

RIDING ACADEMY

Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY

That land which the Montana Department of Transportation, county or city has title to, or right of use, for public roads and appurtenances, including utilities; a strip of land dedicated or acquired for public use.

RIPRAP

A structure consisting of stone and/or rocks (not concrete or other cement product) that is placed along the bank or bed of a stream for the purpose of alleviating lateral bank erosion

RUNWAY

The paved, graveled, or dirt surface of an airport landing strip.

SALVAGE MATERIAL

Material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing; examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

SANATORIUM

A private hospital whether or not such facility is operated for profit.

SCREENING

A feature, such as a wall, fence, hedge, berm or similar feature, used to shield or obscure elements of a development from adjacent sites.

SECONDHAND SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time; the term includes secondhand stores, thrift stores, consignment shops, and the like.

SETBACK

A specified horizontal distance between two actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.).

SEXUALLY-ORIENTED BUSINESS

Includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

SHARED PARKING

One or more parking spaces that, partially or entirely, meet the parking requirements of two or more uses.

SHOPPING CENTER

More than one sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.

SHRUB

A self-supporting woody perennial plant that usually remains low and produces shoots or stems from the base; it typically has multiple stems and branches continuous from the base.

SIGN

Any device which is used to announce, direct attention to, identify, advertise or otherwise communicate information or make anything known; a notice bearing a name, direction, warning or advertisement that is displayed or posted for public view.

Business Sign

A business sign is a sign that directs attention to a business or profession conducted or to products sold upon the same lot. "For Sale" sign or "To Let" sign relating to a lot on which it is displayed shall be deemed a business sign.

Advertising Sign

An advertising sign is a sign that directs attention to a business, commodity,

service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Illuminated Sign

An illuminated sign is a sign designed to give forth any artificial light or designed to reflect such light. A flashing sign is any illuminated sign in which artificial light is not maintained in a stationary manner and of constant intensity and/or color at all times when it is in use.

SIGN STRUCTURE

The supports, uprights, braces and framework of a sign.

SITE-BUILT HOME

A dwelling unit that is constructed on the site on which it will be located.

SITE PLAN

A plan drawn to scale that shows the layout of existing and proposed features, including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

SITE PREPARATION

Improvements on a site that are preparatory to construction. Such on site improvements do not require a Location / Conformance Permit. Site preparations include but are not limited to staging construction equipment, leveling terrain, establishing internal roads / streets, placement of temporary construction trailers, security fencing, signs, landscaping, parking, and impervious surface coverage,

SMALL EQUIPMENT RENTAL

A place and/or building, or portion thereof, that is used or is intended for renting small equipment and supplies that typically are stored indoors; typical rentals include hand tools, party equipment, lawn care and yard equipment.

SMALL HOOFED GRAZING LIVESTOCK ANIMAL

Animals such as, but not limited to, goats, pigs, sheep, fowl, and the like.

SOLID WASTE

All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials (75-10-103 MCA).

SOLID WASTE TRANSFER STATION

A place and/or building, or portion thereof, that is used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (Refer to: 16.14.403, ARM).

SPECIAL EXCEPTION

A use that would not be appropriate generally or without restriction throughout the zoning classification district but which, if further controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Special exception uses may be permitted in a zoning classification district if specific provision for such special exception is explicitly listed in the Zoning District Regulations as a special exception and a special permit is issued.

SPECIALTY SALES

A place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line; the term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.

SPECIAL USE PERMIT

That permit issued by the Cascade County Planning Department upon approval of a Special Exception by the Cascade County Board of Adjustment.

SPECIFIED SEXUAL ACTIVITY

Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

STABLE

Stable, Private

An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

Stable, Public

A building in which horses are kept for remuneration, hire or sale.

START OF CONSTRUCTION

The first land-disturbing activity associated with a development, including land preparation such as land clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of

temporary forms; and installation of accessory buildings such as garages.

STATE

The State of Montana.

STOOP

A raised platform in front of an entrance to a building with one or more steps.

STORM WATER

Water from a rainfall event or melting snow that flows over the ground surface.

STORM WATER DETENTION STRUCTURE

A structure designed to collect and temporarily store storm water with subsequent gradual release.

STORM WATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORM WATER RETROFIT

A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

STORM WATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STORM WATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not a floor above it, then the space between any floor and the ceiling above it.

STORY, HALF

A story under a gable, hip, or gambrel roof, the top wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

STREAM

Means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA. (Source: 75-7-103, MCA).

A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

STREAMSIDE SETBACK

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

STREET

A public way which affords a principal means of access to abutting properties and which possesses a right of way width of not less than forty (40) feet.

STRUCTURAL ALTERATION

Any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

STRUCTURE

Any permanent or temporary object that is constructed, installed or placed by man, the use of which requires a location on a parcel of land; it includes buildings of all types, bridges, in-stream structures, storage tanks, fences, decks, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs and other objects.

SUBDIVIDER

Any *person* who causes land to be subdivided or who proposes a subdivision (Source: 76-3-103(14) MCA).

SUBDIVISION

A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes (Source: 76-3-103(15) MCA).

SUBDIVISION, MINOR

A subdivision containing five or fewer lots, where proper access to all lots is provided

and where no land in the subdivision will be dedicated to public use for parks or playgrounds and the subdivision is eligible for review under §76-3-609 MCA.

SUBDIVISION, MAJOR

A subdivision not qualifying as a minor subdivision.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either : (1) Before the improvement or repair is started; or (2) If the structure has been damaged and is being restored, before the damage occurred; for the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor or other structural part of the building commences; the term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SUITABLE FILL

Material which is stable, compacted, well-graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material; and is fitting for the purpose of supporting the intended use of and/or permanent structure.

SURVEYOR

See Registered Land Surveyor.

TAVERN

A place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages; the term includes bars and lounges. The term does not include a casino.

TAXI CAB DISPATCH TERMINAL

Place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

TELECOMMUNICATIONS FACILITY

A facility that transmits and/or receives electromagnetic signals; it includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said

equipment, equipment buildings, parking areas and other accessory development.

TELECOMMUNICATIONS TOWER

A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas; a ground or building mounted mast greater than ten feet tall and six inches in diameter supporting one or more antenna, dishes arrays, etc., shall be considered a telecommunications tower.

THEATER, MOTION PICTURE

A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

THEATER, DRIVE-IN

An open lot or part thereof with its facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis, to patrons primarily in automobiles or in outdoor seats.

TOURIST CABINS

A group of buildings, including either separate cabins or a row of cabins, which contain living and sleeping accommodations for transient occupancy and have individual entrances.

TOURIST HOME

A private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. (Source: 50-51-102, MCA).

TRACT OF RECORD

An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office (Source: 76-3-103(16)(a) MCA).

TRANSITIONAL SURFACES

These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for these portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

TRAVEL TRAILER

Any vehicle or similar portable structure eight feet wide by thirty-two feet long (8' x 32'), or smaller, having been constructed on a chassis with the intent of transporting it intact on the road; having no foundation other than wheels, jacks, or skirting; so designed or

constructed as to permit occupancy for dwelling or sleeping purposes of a temporary, occasional, vacationing or leisure nature and to be readily transportable to another location.

TREE

A self-supporting woody plant that characteristically grows to a minimum height of 15 feet at maturity and has a trunk which can be maintained over five feet of clear wood.

TRUCK TERMINAL

A place and/or building, or portion thereof, that is used or is intended for storage of freight for routing or reshipment.

TURF OR TURFGRASS

Hybridized grasses, that when regularly mowed, characteristically forms a dense growth of leaf blades and roots.

UTILITY INSTALLATION

A place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services.

UTILITY INSTALLATION, MAJOR

Utility installation generally having moderate to high impact on neighboring property; the term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers and the like.

UTILITY INSTALLATION, MINOR

Utility installation generally having low impact on neighboring property; the term includes public water system wells, sewer lift stations, irrigation ditches, and the like.

UTILITY RUNWAY

A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. As used in these regulations, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-

conformities in the zoning district or adjoining zoning districts.

VEGETATION, NATIVE

Plant life which is indigenous to a geographic region.

VEHICLE FUEL SALES

A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels; the term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and the like.

VEHICLE REPAIR

A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

VEHICLE SALES AND RENTAL A place and/or building, or portion thereof, that is used or is intended for buying,

Selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

VEHICLE SERVICES

A place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight; examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

VEHICULAR USE AREA

The area of a site devoted to vehicular parking and driving isles.

VETERINARY CLINIC

A place and/or building, or portion thereof, that is used or is intended for the medical care of animals; a veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian; the term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

Veterinary clinic, large animal

A clinic that specializes in the care and treatment of large animals and livestock.

Veterinary clinic, small animal

A clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

VICINITY MAP

A map that shows the location of a proposed project, relative to other parcels and roads in the area.

VINE

A woody plant whose stem requires support and climbs by tendrils or twining or creeps along the ground.

VISUAL RUNWAY

A runway intended solely for the operation of aircraft using visual approach procedures.

WALL

An artificially constructed barrier of posts connected by boards, rails, or panels, erected for the purpose of enclosing space to separate parcels of land, or to screen or enclose areas of land; this term also includes a masonry wall.

WALL SIGN

A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall; wall signs include signs painted on awnings and the exterior walls of buildings.

WAREHOUSE

A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution; the term includes moving and storage facilities; the term does not include fuel tank farms.

WATERBODY

Includes rivers, streams, creeks, irrigation ditches, lakes and ponds, both natural and man-made.

WAY

A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

WIND ENERGY CONVERSION SYSTEM (WECS) COMMERCIAL

Any device or assemblage which directly converts wind energy into usable thermal mechanical, or electrical energy for the primary purpose of resale or off-site use. WECS includes such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries and associated control equipment.

WIND ENERGY CONVERSION SYSTEM (WECS) NONCOMMERCIAL

A wind driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for resale.

WIND TURBINE

An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WORSHIP FACILITY

A place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities; the term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories; the term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

YARD

The area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT

An open and unoccupied space on the same lot with the main building extending the full width of the lot, situated between the street line and the front line of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street property line.

YARD, REAR

A yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding the front steps) to the rear lot line.

YARD, SIDE

A yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

YEAR

A calendar year.

ZONING DISTRICT

A portion of the county within which certain uses of land and buildings are permitted, and certain other uses of land and buildings are prohibited, or within which certain yards and other open spaces are required, or within which certain lot areas are established, or within which certain height limits are required for buildings, or within which a combination of such aforesaid

regulations are applied, all as set forth and specified in these regulations, or any of the districts with which any combining regulations are combined.

SECTION 3. ESTABLISHMENT OF DISTRICTS

For the purpose as described in Section 1, the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart, and the individual, legally created zoning district known as the Flood Road Zoning District is hereby divided into the following use classification districts:

RR 5 Rural Residential District

SR 1 Suburban Residential District (1 acre minimum)

SR 2 Suburban Residential District (2 acre minimum)

UR Urban Residential District

A Agricultural District

B General Business District

I-1 Light Industrial District

I-2 Heavy Industrial District

MH Mobile Home District

MU Multi-Use District

OS Open Space District

PUD Planned Unit Development District

SECTION 4. ZONING MAP

These regulations shall apply to the entirety of Cascade County exclusive of the incorporated towns and cities of Great Falls, Belt, Cascade, and Neihart, and the individual, legally created zoning district known as the Flood Road Zoning District. In addition, the designated Accident Potential Zones and Clear Zones around Malmstrom Air Force Base (see map exhibit) are zoned Agricultural Use.

The County is divided into a number of zoning districts so that each tract of land is located in at least one district and potentially more. For each of these districts, appropriate types of uses are identified along with development standards. The zoning map depicts the location of the zoning districts. An official copy of the zoning map shall be on file in the County clerk and Recorder's Office and available for public inspection upon request. The official zoning map shall bear the title "Cascade County Zoning Map".

The Residential Zoning Districts within the former City/County Jurisdictional Area are Rural Residential (RR-5), Suburban Residential (SR -1 & SR-2), Urban Residential (UR), and Mobile Home (MH).

SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the aforesaid districts as shown on the Zoning Map, the following rules shall apply

- 5.1 Where district boundaries are indicated as approximately following the centerline of streets or highways or highway right of way lines, such street or highway lines or highway right of way lines shall be construed as such boundaries.
- 5.2 Where district boundaries indicate that they approximately follow the lot lines or section lines of lots or sections, said lines shall be construed as such boundaries.
- 5.3 Where district boundaries are so indicated that they approximately parallel the centerline of street lines, of streets, or centerline of right of way lines of highways, such district boundaries shall be construed as being parallel thereto, and such distance therefrom.
- 5.4 Wherever the boundary follows the rivers or streams such boundaries shall be deemed as to follow the furthest projection of land into the stream or river and along the bank of said stream or river.

SECTION 6. APPLICATION OF REGULATIONS

Except as herein provide:

6.1 CONFORMITY TO REGULATIONS

No building shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered; or no future uses of the land shall be made unless in conformity with the regulations herein specified for the district in which it is located.

6.2 ERECTION OR ALTERATION OF BUILDINGS

No building shall hereinafter be erected or altered:

6.2.1 To exceed the height standards as required in each district

6.2.2 To accommodate or house a greater number of families,

6.2.3 To occupy a greater percentage of lot area; or,

6.2.4 To have narrower or smaller rear yards, front yards, inner or outer courts, than is specified herein for the district in which such building is located.

6.3 YARDS

No part of a yard or other open space about any building required for the purpose of complying with these regulations shall be included as a part of a yard or other open space similarly required for another building.

6.4 SUBSEQUENT USE OF COMPUTATIONAL AREAS NOT ALLOWED

Any land area used as the basis for meeting the requirements of these regulations in obtaining a location or conformance permit may not also be used as the basis for meeting the requirements for a subsequent location or conformance permit.

SECTION 7. DISTRICT REGULATIONS

7.1 RESIDENTIAL (R) DISTRICTS

7.1.0 Residential Districts

Area Requirements, Height Limits, Yards, Lot Coverage, Court and Parking Requirements

7.1.0.1 Area Requirements

(1) Table of District Area Requirements

<u>District</u>	<u>Minimum Lot Area</u>
RR-5 Rural Residential	5 Acres
SR-1 Suburban Residential	1 Acre
SR-2 Suburban Residential	2 Acres
UR Urban Residential	7,200 Sq. Ft.
MU Mixed Use	7,200 Sq. Ft

(2) Previously Described Lots

The Zoning Administrator may permit construction on existing lots described of record prior to the adoption of this Zoning Resolution and not conforming to the above areas provided the limitations imposed by other provisions of these regulations are met. (See Sections 9.1.5; 10.8.)

(3) Area

No lot upon which a main building is to be located shall have an average width of less than sixty (60) feet or an area of less than 7,200 square feet.

(4) Utility Area Requirements

In those cases where lots will be served by individual sewer and/or water systems, State Department of Environmental Quality or City-County Health Department area requirements may supersede the above minimum lot area requirements. 7.1.0.2 Height Limits

- (1) RR5, SR 1, SR 2, and UR no limits

7.1.0.3 Yards

The side yard, front yard, and rear yard shall be determined according to the height of the main building as follows:

(1) Side Yard

The side yard width shall not be less than six (6) feet.

(2) Front Yard

The front yard shall not have a depth of less than thirty (30) feet.

(3) Rear Yard

The rear yard depth shall not be less than ten (10) feet.

7.1.0.4 Lot Coverage

The percentage of lot area covered by main building and accessory building ground floor area shall be within the below listed limits.

(1) RR-5, SR-1 and SR-2 Districts

All buildings including accessory buildings shall not cover more than thirty-five percent (35%) of an interior lot or more than forty percent (40%) of a corner lot.

(2) UR Districts

All buildings in a UR District including accessory buildings shall not cover more than forty percent (40%) of an interior lot or more than fifty percent (50%) of a corner lot.

7.1.0.5 Required Court Dimensions

All multi-family dwellings shall have the following court dimensions: the width of any outer court upon which windows from a living room, bedroom, or dining room open, shall not be less than the height of any opposing wall forming said court.

7.1.0.6 Off-Street parking as required in Section 9.5.

7.1.0.7 Required Streamside Setback

There is a fifty (50) foot setback from any perennial-flowing stream or river to the outer wall of any structure. The established 50 foot setback distance is measured from the ordinary high water mark of the stream or river to the structure.

7.1.1 RR-5 District Use Regulations - Rural Residential Districts (minimum lot area is 5 acres)

The following regulations shall apply to lots in RR-5 Districts

7.1.1.1 Permitted principal uses

- (1) A one family dwelling per tract of land.
- (2) Public and private elementary school, high school, college, university, public park and playground, and public swimming pool, where off-street parking is provided for the users of such facilities.
- (3) Agricultural uses of land and usual agricultural buildings and structures in unplatted areas.
- (4) Fire Department station house.
- (5) Church where off-street parking is provided as set forth in Section 9.5.
- (6) Limited Agricultural uses in platted areas.

The keeping of livestock animals, except buffalo, by a resident of the parcel requires that the parcel must be a minimum of one (1) acre in area.

Large hooved grazing livestock animals, except buffalo, are allowed on a permanent basis at a ratio of two (2) animals per acre. Small hooved grazing livestock animals are allowed on a permanent basis at a ratio of four (4) per acre.

Any stable, barn, shed, coop or other such structure to house animals shall be a distance of at least twenty-five (25) feet from the property line of an adjacent owner and at least fifty (50) feet from any dwelling other than that of owner.

- (7) Family Day Care Home, Group Day Care Home, Day Care Center
- (8) Community Residential Facility-Provided eight occupants or less
- (9) Retirement Home, Nursing Home

- (10) Private nursery school.
- (11) Philanthropic or eleemosynary institution.
- (12) Parish house, religious education building, convent or monastery.
- (13) Bed and Breakfast

7.1.1.2 Permitted accessory uses located on the same lot with the principal use

- (1) Other customary accessory use and building, such as a carport, bath house, greenhouse, gardening shed, recreation room and similar structure which is customarily used in conjunction with and incidental to a permitted principal use or structure.
- (2) Professional office in a residence
- (3) Customary home occupation (see Definition of Home Occupation)
- (4) Amateur Radio Station and/or Antenna (conditions (g), (h), and (i) below do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW providing they meet the following conditions:
 - a) setback to property boundaries must be the height of the tower plus twenty (20) feet, plus the blade length for a wind turbine. (example: a 100 foot tall radio tower must be 120 feet from all property boundaries.)
 - b) must meet all state, federal, and local regulations regarding the uses.
 - c) must not have any advertising signage attached to them.
 - d) must not be for commercial use
 - e) must not interfere with any electrical components of neighboring properties.
 - f) must be fenced or protected to prohibit unauthorized access.
 - g) must be located at least 1000 feet from any use listed in 7.1.1.1 (2).
 - h) **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).
 - i) **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)
Measured from property lines.

Residential Districts	50 db(A)
Commercial Districts	60 db(A)
Industrial Districts	75 db(A)
 - j) **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as

earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.

k) **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.

l) **Lighting.** No lights shall be installed on the system, unless required to meet Federal Aviation Administration regulations.

m) **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.

n) **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

(5) Private garage

(6) Barn

7.1.1.3 Uses permitted upon issuance of a Special Permit (See Section 8)

- (1) A second dwelling, including accessory dwelling units.
- (2) Recreation building or area operated by membership clubs for the benefit of members and not for gain.
- (3) Utility Installation
- (4) Private Garage – residential use only; no commercial use allowed.
- (5) The excavation of sand and gravel.

7.1.1.4 Area, height, yard, lot coverage, and parking requirements per Section 7.1.0.

7.1.2 SR-1 and SR-2 District Use Regulations - Suburban Residential District (minimum lot area is 1 acre in SR-1 and 2 acres in SR-2)

The following regulations shall apply to lots in SR-1 and SR-2 Districts

7.1.2.1 Permitted principal uses

1. A one family dwelling per tract of land.
2. Public and private elementary school, high school, college, university, public park and playground, and public swimming pool, where off-street parking is provided for the users of such facilities.
3. Fire Department station house.
4. Church where off-street parking is provided as set forth in Section 9.5.
5. Family Day Care Home, Group Day Care Home, Day Care Center
6. Community Residential Facility-Provided eight occupants or less
7. Retirement Home, Nursing Home
8. Agricultural uses of land and usual agricultural buildings and structures if the tract is 20 acres or more.
9. Large hoofed grazing livestock animals (except buffalo) are allowed at a ratio of 2 animals per acre.
10. Small hoofed grazing livestock animals are allowed at a ratio of 4 animals per acre.

7.1.2.2 Permitted accessory uses located on the same lot with the permitted principal use

- (1) Permitted accessory uses set forth under RR-5 District regulations may be used in SR-1 and SR-2 Districts.

7.1.2.3 Uses permitted upon issuance of a Special Permit (See Section 8)

- (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.
- (2) Bed and Breakfast

7.1.2.4 Area, height, yard, lot coverage, and parking requirements as per Section 7.1.0.

7.1.3 UR District Use Regulations - Urban Residential District (minimum lot area is 7,200 sqft)

The following regulations shall apply to lots in UR Districts

7.1.3.1 Permitted principal uses

1. A one-family dwelling.
2. Public and private elementary school, high school, college, university, public park and playground, and public swimming pool, where off-street parking is provided for the users of such facilities.
3. Fire Department station house.
4. Church where off-street parking is provided as set forth in Section 9.5.
5. Family Day Care Home, Group Day Care Home
6. Community Residential Facility-Provided eight occupants or less
8. Multi-Family Dwellings
9. Retirement Home, Nursing Home
10. Agricultural uses of land and usual agricultural buildings and structures if tract is 20 acres or more.
11. Mobile home park.
12. Large hoofed grazing livestock animals (except buffalo) are allowed at a ratio of two (2) animals per acre.
13. Small hoofed grazing livestock animals are allowed at a ratio of four (4) animals per acre.

7.1.3.2 Permitted accessory uses located on the same lot with the permitted principal use

- (1) Permitted accessory use set forth under RR-5 District regulations and SR-1 and SR-2 District regulations may be used in UR Districts. (Includes residential wind turbines if required setbacks are met.)
- (2) Community Residential Facility

7.1.3.3 Uses permitted upon issuance of a Special Permit (See Section 8)

- (1) Use permitted upon issuance of a special permit as set forth under

SR-1 and SR-2 District regulations may be used in UR Districts.

(2) Bed and Breakfast

- 7.1.3.4 Area, height, yard, lot coverage, and parking requirements as per Section 7.1.0.

7.2 AGRICULTURAL (A) DISTRICTS

The following regulations shall apply in A Agricultural Districts

7.2.1 Permitted Principal Uses

- 7.2.1.1 Agricultural uses of land; usual agricultural buildings and structures.
- 7.2.1.2 Church and/or parish house.
- 7.2.1.3 School and/or college for academic instruction.
- 7.2.1.4 Publicly owned and operated building and facility.
- 7.2.1.5 Public park and playground, community center, private, non-commercial recreation area and center including country club, swimming pool, and tennis court, public and private forest and wildlife preserve and similar conservation areas.
- 7.2.1.6 Commercial dairy if on a parcel greater than 20 acres.
- 7.2.1.7 Riding and roping arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be greater than 20 acres.
- 7.2.1.8 A one or two family dwelling(s) on a parcel of 20 acres or more. (example: 1 single family home or 1 duplex for two families or two single family homes). If a parcel is less than 20 acres, a second dwelling is allowed with an approved Special Use Permit.
- 7.2.1.9 Golf course, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course.
- 7.2.1.10 Golf driving range if located on a tract of five (5) acres or larger.
- 7.2.1.11 Campground, Recreational Vehicle Park

7.2.1.12 Day Care Center, Group Day Care Home, Family Day Care Center, Community Residential Facility

7.2.1.13 Nursing Home, Retirement Home

7.2.1.14 Bed and Breakfast

7.2.1.15 Tower and studio facility related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations- providing they meet the following conditions:

1. setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower/antenna structures must be the height of the tower plus twenty (20) feet (example: a 100 foot tall tower must be 120 feet from all property boundaries.).
2. must meet all state, federal, and local regulations regarding the uses.
3. must not have any advertising signage attached to them.
4. must not interfere with any electrical components of neighboring properties.
5. must be fenced or protected to prohibit unauthorized access.
6. must be located at least 1000 feet from any use listed in 7.1.1.1 (2).
7. **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).
8. **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.,)

Measured from property lines.

Residential Districts	50 db(A)
Commercial Districts	60 db(A)
Industrial Districts	75 db(A)

9. **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.
10. **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.
11. **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.
12. **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

7.2.1.16 Commercial Wind / Solar Generation Facilities and meteorological towers subject to the following conditions:

1. facility may not exceed one (1) megawatt of total generating capacity.
2. must meet all state, federal, and local regulations regarding the uses.
3. must not have any advertising signage attached to them.
4. must not interfere with any electrical components of neighboring properties.
5. must be fenced or protected to prohibit unauthorized access.
6. must be located at least 1000 feet from any use listed in 7.1.1.1 (2).
7. **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).
8. **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)
Measured from property lines.

Residential Districts	50 db(A)
Commercial Districts	60 db(A)
Industrial Districts	75 db(A)
9. **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.
10. **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.
11. **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.
12. **Removal.** Tower systems (including meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

7.2.2 Permitted Accessory Uses located on the same lot with the permitted Principal Use

Accessory buildings and uses customarily incidental to any of the above A District uses

- 7.2.2.1 On tracts of land 160 acres or larger, a dwelling or dwellings of owner or lessee of the land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the dwelling or dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows his

relatives to live in a house that he owns on his property, etc.)

7.2.2.2 Roadside stands offering for sale only local agricultural products or other products produced on the premises.

7.2.3 Uses Permitted Upon Issuance of a Special Permit as Provided in Section 8

7.2.3.1 Cemetery, including mausoleum and crematorium provided that any mausoleum or crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

7.2.3.2 Commercial building for raising, breeding and boarding dogs or other small animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in section 9.2 .

7.2.3.3 Quarry (including cutting, breaking, shaping, and finishing of quarried rock) , sand and gravel pit, top soil stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 am until 7:00 pm.

7.2.3.4 Hospital and sanitarium, charitable institution for the treatment of disease.

7.2.3.5 Public or privately owned airport, landing field, or helipad. Site must be a minimum of 20 acres and 1000 feet from schools.

7.2.3.6 Public or privately owned solid waste disposal sites licensed and operated in accordance with the Montana Solid Waste Management Act and approved by the County Zoning Board of Adjustment following a public hearing to consider, in conjunction with the standards enumerated in Section 8 hereof, the possible detrimental effect on adjacent residential property. The detrimental effects of vehicles traveling the access route(s) to the disposal site shall also be considered. Prior to any public hearing, a notice must be published in the newspaper at least one week prior to the hearing and a copy of the notice must be mailed to all owners of the property contiguous to the proposed disposal site.

7.2.3.7 Utility Sub-station.

7.2.3.8 Storage of building materials and equipment and temporary building(s) utilized in conjunction with the construction of a development on the same or adjacent tract of land. Such storage or building(s) shall not

exceed the duration of such construction or a time as may be stipulated by the Board of Adjustment.

- 7.2.3.9 Animal hospital provided that the structure and use are not less than two hundred (200) feet from any residential district.
- 7.2.3.10 Commercial propagation, boarding, grazing or butchering of small animals and fowl provided that the animals may not be stabled or processed within two hundred (200) feet from any property line and the operation is not considered a wholesale feed lot or meat packing use.
- 7.2.3.11 Commercially operated feedlots or concentrated animal feeding facilities if located on a tract of land 40 acres minimum in size and no adjacent residences are within one (1) mile at the time of application.
- 7.2.3.12 Mobile Home Park or Recreational Vehicle Park providing that the use is in compliance with all other Federal, State and County regulations.
- 7.2.3.13 Commercial Wind Farms greater than one (1) megawatt and/or Electrical Generation Facilities providing they meet the following conditions:
 - 1. must meet all state, federal, and local regulations regarding the uses.
 - 2. must not have any advertising signage attached to them.
 - 3. must not interfere with any electrical components of neighboring properties.
 - 4. must be fenced or protected to prohibit unauthorized access.
 - 5. must be located at least 1000 feet from any use listed in 7.1.1.1 (2).
 - 6. **Height** of the structure is as measured from finished grade to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors).
 - 7. **Turbine Noise Limitations** (8:00 p.m. to 8:00 a.m.)
Measured from property lines.

Residential Districts	50 db(A)
Commercial Districts	60 db(A)
Industrial Districts	75 db(A)
 - 8. **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Flat white and gray, including naturally darkening galvanized gray, are also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.
 - 9. **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.
 - 10. **Climbing Apparatus.** All climbing apparatus shall be located at least 12 feet above the ground and the system tower must be designed to prevent climbing within the first 12 feet above the ground.
 - 11. **Removal.** Tower systems (including meteorological towers) that remain

nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

7.2.3.14 Mini-warehousing where indoor storage space is provided for rent or lease and subject to the following conditions:

- (a) principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
- (b) storage of flammable or explosive liquids, solids, or gases shall not be permitted.
- (c) Landscaping requirements shall be in accordance with Section 7.8.
- (e) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

7.2.3.15 Motor Sports Complexes provided that no residences are located within 1 mile of the proposed use, at the time of application.

7.2.3.16 General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

7.2.3.17 Small and Heavy Equipment Rental and General Repair

7.2.3.18 Health Care Centers and Facilities, provided parcel size is twenty (20) acres or greater.

7.2.3.19 Educational facilities including K-12, higher education, instructional and commercial education facilities, provided parcel size is twenty (20) acres or greater.

7.2.3.20 Solid Waste, Recycling and Composting Facilities, provided parcel size is twenty (20) acres or greater.

7.2.3.21 Utilities both minor and major

7.2.3.22 Transportation Facilities, including Airport, Bus Transit Terminal, Freight Terminal, Heli-Pad, and Railroad Yards, provided parcel size is twenty (20) acres or greater.

7.2.3.23 Junkyard/Salvage Yard, provided parcel size is twenty (20) acres or greater.

7.2.3.24 Outdoor Entertainment (including commercial rodeo grounds, commercial stables, animal therapeutic facilities),

7.2.3.25 Outfitters/Guides

7.2.3.26 Federal Firearm Retailers, Dealers, Repairers

7.2.3.27 Dude Ranch, provided parcel size is 20 acres or greater

7.2.3.28 Gas and oil wells

7.2.3.29 Manufactured housing sales

7.2.3.30 Warehouse

7.2.3.31 Parking lot

7.2.3.32 Parking structure

7.2.3.33 Artisan shop

7.2.3.34 Light manufacturing & assembly

7.2.3.35 ATM, exterior

7.2.3.36 Storage containers

7.2.3.37 Indoor Sports and Recreation (including commercial rodeo grounds, commercial stables, animal therapeutic facilities),

7.2.4 Agricultural District Dimensional Requirements

7.2.4.1 Minimum Lot Area

The minimum lot or tract area in an A Agricultural District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

A) order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;

B) to provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;

C) creates cemetery lots;

D) is created for rights-of-way or utility sites;
E) for gift or sale to a member of the immediate family; and
F) a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer if:

(i) the remainder is served by a public or multiple-user sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or this chapter.

7.2.4.2 Minimum Lot Width

The minimum lot or tract width in an A District shall be two-hundred (200) feet.

7.2.4.3 Required Yards

The minimum side yard, front yard and rear yard for any lot or tract in an A District shall be the same as that required for the Residential Districts as provided in Section 7.1.0.3.

7.2.4.4 Lot Coverage

All buildings and accessory buildings shall not cover more than forty percent (40%) of the lot or tract.

7.2.4.5 Signs in an Agricultural District shall be Subject to the Regulations Contained in Section 9.1.1, pertaining to permitted use, and on the same lot therewith. No off-premise signage allowed.

7.2.4.6 Off-street Parking in an Agricultural District shall be Provided in Accordance with Section 9.5.

7.3 BUSINESS (B) DISTRICT

7.3.1- B District - General Business District

The following regulations shall apply in B Districts

7.3.1.1 Permitted principal uses

- (1) Neighborhood retailing or service facility including and similar in scope, but not limited to, a barber shop, beauty shop, retail food store hotel/motel, hardware store, launderette, professional or business office, conservatory, locksmith shop, photography studio, restaurant, shoe repair or tailor shop.

- (2) Any retail or wholesale trade, excluding heavy equipment trade (see large equipment rental definition) including, but not limited to:

Administrative Services

Agricultural Sales

Auction Sales

Automotive, mobile home, marine, recreational vehicle and accessories sales and service

Building materials, hardware and farm equipment sales and service

Casino, provided that it is not located on a premise immediately adjacent (sharing a common property line, but not intended to include a street or alley) to a residential zoning district. Casinos may not be located within 600 feet (measured in a straight line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12) or worship facility.

Commercial Kennel, provided it complies with the regulations set forth in Section 9.2.

Contract construction service

Construction Material Sales

Restaurant

Farm and Garden Supply

Financial Services

Funeral Home

General Repair

General Sales

General Services

Health Care Center

Health Care Facility

Indoor Sports and Recreation

Microbrewery

Off-Site Liquor Sales

Outdoor recreation, amusement and cultural facility

Professional Services

Secondhand Sales

Shopping Center

Small Equipment Rental

Specialty Sales

Tavern

Transient lodging

Veterinary Clinic – Small Animal

Veterinary Clinic – Large Animal

Vehicle Fuel Sales

Vehicle Repair

Vehicle Sales and Rental

Vehicle Services

Wholesale trade

- (3) Mini-warehousing where indoor storage space is provided for rent or lease and subject to the following conditions:
 - (a) principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and
 - (b) storage of flammable or explosive liquids, solids, or gases shall not be permitted.
 - (c) Landscaping requirements shall be in accordance with Section 7.8.
 - (d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

7.3.1.2 Permitted accessory uses located on the same lot with the permitted principal use

- (1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.
- (2) Signs as covered in Section 9.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.
- (3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.
- (4) The permitted accessory uses set forth under section 7.1.1.2 (4) (Amateur Radio Station and/or Antenna (conditions (g), (h), and (i) below do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small Wind energy system not to exceed 50 kW) may be used in the B District if the listed conditions are met.

7.3.1.3 Uses permitted upon issuance of a Special Permit (See Section 8)

- (1) Living quarters required by and incidental to the business enterprise.
- (2) Facilities for consolidated outdoor/open storage of recreational

vehicles provided all such stored vehicles possess a valid State of Montana registration, issued within the past 18 months, as a: motor home, travel trailer; trailer, pickup camper, boat; snowmobile, etc.

7.3.1.4 Uses not permitted

Any use permitted in an I-1 or I-2 District.

Sexually-oriented businesses, including, but not limited to, adult arcades, adult book stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters.

7.3.1.5 Building Height

No restrictions.

7.3.1.6 Yards Required

(1) Front yard

Fifteen (15) feet required for principal, accessory and special permit uses and buildings excluding customer parking except where the business district abuts or joins an R-District in which case there shall be a front yard as specified in Section 9.4.

(2) Side yard

Six (6) feet for principal, accessory and special permit uses and buildings excluding customer parking except where a lot in the business district abuts upon a lot in an R-District in which case the standards shall be followed as shown in Section 9.4.

(3) Rear yard

Ten (10) feet except that required to provide parking as specified in Section 9.5. When a lot in a B-2 District abuts upon a lot in a residential district, the standards shall be followed as set forth in Section 9.4.

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.2.2(3).

7.3.1.7 Signs shall be subject to the regulations contained in Section 9.1.
No signage advertising off-premise businesses allowed.

7.3.1.8 Off-street Parking shall be provided in accordance with Section 9.5.

7.3.1.85 Landscaping requirements shall be in accordance with Section 7.8.

7.3.1.9 Site Plan Review and Approval

In each case where a B Business District building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 9.7 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.4 INDUSTRIAL (I) DISTRICTS

7.4.1 I-1 District - Light Industrial District:

7.4.1.1 Permitted principal uses

- (1) All principal uses permitted in a B District.
- (2) Any industrial use providing the occupancy and operation of such use complies with all standards and limitations listed below. Industrial uses are the uses of land and buildings for manufacturing, processing, fabrication, packaging, assembly, storage, and freight handling or similar operations. All operations shall:
 - (a) store all raw material, finished products, machinery and equipment, including company owned or operated trucks and motor vehicles, within an entirely closed building or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height. This shall not preclude display areas for sales;
 - (b) emit no excessive obnoxious odors;
 - (c) exhaust no excessive waste into the air or create excessive dust by the industrial operation;
 - (d) discharge no untreated sewage or industrial waste into any streams or on open grounds without approval of said system by the appropriate Health and Environmental Agents;
 - (e) carry on no operation that would produce heat or glare perceptible from any property line on the lot on which the industrial operation is located;
 - (f) use no industrial and exterior lighting in a manner that produces glare on public highways, or airways, streets and neighboring property;

- (g) conduct no mining, extracting, filling or soil stripping operations; and
- (h) produce no excessive industrial noise as measured from any property line on the lot on which the industrial operation is located.

(3) Agricultural Commodity Storage Facility

Artisan Shop
 Bus Transit Terminal
 Composting Facility
 Contractor Yard, small
 Freight Terminal
 Fuel Tank Farm
 Heli-Pad
 Large Equipment Rental
 Manufactured Housing Sales

Parking Structure

Railroad Yard

Recycling Center

Sexually Oriented Business – provided that it may not be located within one-thousand (1000) feet of an existing residence, residential district, school, church, day care, or other facilities where minors gather.

Solid Waste Transfer Station

Truck Terminal

Utility Station

Warehouse

Worship Facility

Heavy Equipment Dealers

7.4.1.2 Permitted accessory uses located on the same lot with the permitted principal use

(1) Living quarters that are required by and incidental to the operation of the industrial enterprise.

(2) The permitted accessory uses set forth under section 7.1.1.2(4) (Amateur Radio Station and/or Antenna, meteorological towers, residential wind turbine and/or small wind energy system not to exceed 50 kW) may be used in the I-1 District if the listed conditions are met.

7.4.1.3 Yards Required

(1) Front yard - Fifteen (15) feet depth minimum.

(2) Side yard

(a) Adjacent to industrial district shall be at least ten (10) feet wide.

- (b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.
- (c) Where the side lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

(3) Rear yard

- (a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth; except where a railroad line or spur is located or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.
- (b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

7.4.1.4 Signs shall be subject to the regulations contained in Section 9.1.

7.4.1.5 Off-street Parking shall be provided in accordance with Section 9.5.

7.4.1.6 Landscaping requirements shall be in accordance with Section 7.10.

7.4.1.7 Site Plan Review and Approval

In each case where an I-1 industrial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 9.7 and shall approve, or approve with modifications, or disapprove such site plan. In Modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records. The Zoning Administrator shall also review the plan considering the noxious or injurious effects of the industrial operation for the purpose of protecting the health, safety and general welfare of the community. The Zoning Administrator may require as part of the review plan a transportation impact study, stormwater runoff analysis, exterior lighting plan, noise impact study, visual impact study, and any other study that may be necessary as part of the review process.

7.4.2 I-2 Districts - Heavy Industrial District

7.4.2.1 Permitted principal uses

All uses not otherwise prohibited by laws. All I-2 uses shall be contained in a building, or sight-obscuring fence, berm or other such improvement no less than six (6) feet in height shall surround the area outside a building being used for the enterprise, unless waived.

7.4.2.2 Permitted accessory uses located on the same lot with the permitted principal use

Living quarters that are required by and incidental to the operation of the industrial enterprise.

7.4.2.3 Yards Required

(1) Front yard - Fifteen (15) feet depth minimum.

(2) Side yard

(a) Adjacent to I District shall be at least ten (10) feet wide.

(b) Where one is used as vehicular access-way, it shall be at least twenty-five (25) feet in width.

(c) Where the side lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and the outer twenty (20) foot strip adjoining such residence district shall be always maintained as a landscape buffer area by the industrial enterprise.

(3) Rear yard

(a) There shall be a rear yard on every lot not less than twenty-five (25) feet in depth; except where a railroad line or spur is located, or where the rear lot line abuts a dedicated right of way not less than twenty-five (25) feet in width. In the event the right of way is less than twenty-five (25) feet in width, the rear setback on the lot shall be the amount required to provide a total of at least twenty-five (25) feet.

(b) Where the rear lot line abuts any lot or land area in a residential district, it shall be at least seventy-five (75) feet in width and a twenty (20) foot strip adjoining such residence district shall be always maintained by the industrial enterprise as a landscape buffer area.

7.4.2.4 Signs shall be subject to the regulations contained in Section 9.1.

7.4.2.5 Off-street Parking shall be provided in accordance with Section 9.5.

7.4.2.55 Landscaping requirements shall be in accordance with Section 7.8.

7.4.2.6 Site Plan Review and Approval

In each case where an I-2 industrial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 9.7 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records. The Zoning Administrator shall also review the plan considering the noxious or injurious effects of the industrial operation for the purpose of protecting the health, safety and general welfare of the community. The Zoning Administrator may require as part of the review plan a transportation impact study, stormwater runoff analysis, exterior lighting plan, noise impact study, visual impact study, and any other study that may be necessary as part of the review process.

7.5 MOBILE HOME (MH) DISTRICT

7.5.1 Permitted Principal Uses

7.5.1.1 In a Mobile Home Court, mobile homes and travel trailers are allowed.

7.5.1.2 In a Mobile Home Subdivision, mobile homes, manufactured homes, modular homes, and stick-built homes are allowed.

7.5.2 Permitted Accessory Uses located on the same lot with the permitted Principal Use

7.5.2.1 Private Garage.

7.5.2.2 Other customary accessory use and building.

7.5.2.3 Professional office in a residence.

7.5.2.4 Customary home occupation (see Section 2.39).

7.5.3 Uses Permitted Upon Issuance of a Special Permit (See Section 8)

7.5.3.1 Church and similar place of worship, where off-street parking is not provided are permitted when approved by the Board of Adjustment.

7.5.3.2 Recreation building or area operated by membership club for the benefit of members and not for gain.

7.5.3.3 School not heretofore defined, public library and municipal office building.

7.5.3.4 Utility sub-station.

7.5.3.5 Private nursery school.

7.5.3.6 Philanthropic or eleemosynary institution.

7.5.3.7 Parish house, religious education building, convent or monastery.

7.5.3.8 Temporary real estate office for the purpose of conducting sales and located upon the same tract from which said sales were provided. Such real estate office site occupancy shall not exceed two (2) years or a time as may be stipulated by the Board of Adjustment.

7.5.4 Height of Buildings

None required.

7.5.5 Lot Area Required

A minimum lot area of 3,600 square feet in a mobile home subdivision is required.

7.5.6 Lot Coverage

Mobile home and accessory buildings shall cover not more than thirty percent (30%) of the lot area.

7.5.7 Lot Width

The minimum lot width shall be thirty (30) feet.

7.5.8 Minimum Yards Required

7.5.8.1 Front yard

The minimum front yard required shall be ten (10) feet.

7.5.8.2 Side yard

The minimum side yard shall be at least seven and one-half (7½) feet or fifteen (15) feet between mobile homes. Structures added on to the mobile home will be considered part of the mobile home in calculating the required fifteen (15) foot distance between mobile homes.

7.5.8.3 Rear yard

The minimum rear yard shall be at least ten (10) feet.

7.5.9 General Provisions Applying to All Mobile Homes and Travel Trailers

7.5.9.1 In conjunction with the herein listed requirements, the State of Montana and City-County Health Department requirements regulating mobile homes, travel trailers, mobile home courts, and mobile home subdivisions must also be complied with.

7.5.9.2 Temporary seasonal storage of a small trailer used primarily for vacationing and leisure activity and which is not used as the primary

abode of the owner or any other person is permitted on privately owned tracts of ground.

7.5.10 Off-street Parking Requirements

7.5.10.1 All mobile homes occupied as a dwelling must meet the off-street parking requirements as contained in Section 9.5.

7.5.11 Landscaping requirements shall be in accordance with Section 7.8.

7.5.12 Site Plan Review and Approval

Prior to the construction of a mobile home court or subdivision, the following steps must be taken.

7.5.12.1 The zoning of an area as a "mobile home zone" must be approved by the Planning Board, which is acting in the capacity of a zoning commission for the County Commissioners.

7.5.12.2 The Planning Board must approve the court site plan or subdivision plat.

7.5.12.3 After submission to and approval by the Planning Board, the plan or plat shall be submitted through the normal process for a plat, as covered in subdivision regulations.

7.6 OPEN SPACE (OS) DISTRICT

7.6.1 Permitted Principal Uses

7.6.1.1 Public park and playground and community center, private, non-commercial recreation area and center including country club, swimming pool and golf course, public and private forest and wildlife preserve, and similar conservation areas.

7.6.1.2 Publicly owned and operated facilities; including water treatment and storage, sewage facilities, and roadways.

7.6.1.3 Agriculture and forestry.

7.6.2 Permitted Accessory Uses: Accessory buildings and uses customarily incidental to any of the above OS District uses, including:

7.6.2.1 Automobile parking area as required in Section 9.5 and parking garages.

7.6.2.2 Building(s) as an accessory use to the above permitted uses.

7.6.3 Uses Permitted Upon the Issuance of a Special Permit (See Section 8)

7.6.3.1 Cemetery, including mausoleum and crematorium, provided that any

mausoleum and crematorium shall be a distance of at least two-hundred (200) feet from any adjacent property and street or highway lines and provided, further, that any new cemetery shall contain an area of twenty (20) acres or more.

7.6.4 Open Space District Dimensional Requirements:

7.6.4.1 Required lot area

No minimum requirement.

7.6.4.2 Lot coverage

All impervious surface area (roof, paved areas, etc.), shall cover no more than five percent (5%) of the total open space.

7.7 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT:

The purpose of the planned unit development district is to encourage imagination and efficient utilization of land through greater development flexibility, the consolidation of open spaces, the clustering of buildings and the integration of compatible land uses. the mixture of land uses is intended to create more convenient and more effective integration of uses which may work in concert to create a more attractive and desirable environment in which people can enjoy employment, residence and leisure within close proximity to each other.

The request for classification as a planned unit development district shall be submitted and processed simultaneously with the planned unit development provisions contained in the Cascade County Subdivision Regulations. Suitability of a particular area for the plans and development shall be determined by reference to the comprehensive plan, the character of surrounding developments, and the level of existing services and facilities. Property to which the PUD classification has been applied shall be developed only in conformance with an approved final development plan containing at a minimum the criteria outlined in Section 9.7. Signs in a PUD District shall be subject to the regulations contained in Section 9.1 and off-street parking shall be provided in accordance with Section 9.5 with the criteria for each dictated by the conventional zoning classification which normally could accommodate the use being considered.

7.8 MU District – Mixed Use District

The following regulations shall apply in MU Districts

7.8.1 Permitted principal uses

- (1) All permitted uses allowed in RR-5, SR-1, SR-2, and UR Districts
- (2) Any retail or wholesale trade (excluding heavy equipment trade) including, but not limited to:

Administrative Services
Agricultural Sales
Auction Sales

Automotive, mobile home, marine, recreational vehicle and accessories sale and service
 Building materials, hardware and farm equipment sales and service
 Casino, provided it is not within 600 feet (measured in a straight Line, without regard to intervening structures or streets, from the outer wall of the casino, to the outer wall of the preceding use) of an education facility (K-12), day care facility, or worship facility
 Construction Material Sales
 Contract construction service
 Restaurant
 Farm and Garden Supply
 Financial Services
 Funeral Home
 General Repair
 General Sales
 General Services
 Health Care Center
 Health Care Facility
 Off-Site Liquor Sales
 Outdoor recreation, amusement and cultural facility
 Professional Services
 Secondhand Sales
 Shopping Center
 Small Equipment Rental
 Specialty Sales
 Tavern
 Transient lodging
 Veterinary Clinic – Small Animal
 Vehicle Fuel Sales
 Vehicle Repair
 Vehicle Sales and Rental
 Vehicle Services
 Wholesale trade

(3) Mini-warehousing where indoor storage space is provided for rent or lease and subject to the following conditions:

(a) principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product; and

(b) storage of flammable or explosive liquids, solids, or gases shall not be permitted.

(c) Landscaping requirements shall be in accordance with Section 7.8.

(d) All material must be stored inside units. Storage of licensed, operable, vehicles including but not limited to Recreational Vehicles, Cars, Trucks, Vans, Trailers, Boats, Motorcycles, and All Terrain Vehicles, may be outside provided that proper screening, approved by the Planning Director, as to shield these units will occur.

(4) Mobile home park.

7.8.2 Permitted accessory uses located on the same lot with the permitted principal use

- (1) Any customary use incidental to the permitted use but not including any permanent outdoor storage.
- (2) Signs as covered in Section 9.1, pertaining to the permitted use and on the same lot therewith. No signage advertising off-premise businesses allowed.
- (3) Exterior spot lighting of buildings or grounds, provided such sources be shaded from motorists on public roadways and be located so that the beams are not directed toward any lot in a residential district or public highway.
- (4) The permitted accessory uses set forth under section 7.1.1.2 (4) (Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW) may be used in the MU District if the listed conditions are met.

7.8.3 Uses permitted upon issuance of a Special Permit (See Section 8)

Manufactured housing sales
Veterinary clinic, large animal
Commercial kennel
Heavy equipment rental
Warehouse
Animal shelter
Correctional facility / jail
Composting facility
Recycling center
Solid waste transfer station
Telecommunication facility
Bus transit terminal
Parking lot
Parking structure
Taxi dispatch terminal
Artisan shop
Light manufacturing & assembly

ATM, exterior
Fences
Storage containers

7.8. 4 Uses not permitted

Any use permitted in an I-1 or I-2 District (unless allowed by Special Use Permit as listed in this section),

Sexually-oriented businesses, including, but not limited to, adult arcades, adult book stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters.

7.8.5 Building Height

No restrictions.

7.8.6 Yards Required

(1) Front yard

Fifteen (15) feet

(2) Side yard

Six (6) feet

(3) Rear yard

Ten (10) feet

(4) Exclusion

Yard requirement provisions shall not apply to ground level installation of exterior spot lighting allowed as an accessory use in Section 7.3.2.2(3).

7.8.7 Signs shall be subject to the regulations contained in Section 9.1.
No signage advertising off-premise businesses allowed.

7.8.8 Off-street Parking shall be provided in accordance with Section 9.5.

7.8.9 Landscaping requirements shall be in accordance with Section 7.8.

7.8.10 Site Plan Review and Approval

In each case where a commercial building or use is proposed, the Zoning Administrator shall review the site plan of the proposal in accordance with Section 9.7 and shall approve, or approve with modifications, or disapprove such site plan. In modifying or

disapproving such site plan, the Zoning Administrator shall enter his reasons for such action in Office of Zoning Administrator's records.

7.9 LANDSCAPING REQUIREMENTS

The Cascade County Commission, in order to provide for a healthy community and environment, a more pleasant living environment, increased property values, and to provide for a lasting social, economic, environmental, and aesthetic benefit to the county, has enacted the following landscaping requirements for all B, I-1, I-2, MU, and MH and as otherwise required in these regulations. The general purpose of these requirements is to make the county more attractive and aesthetically pleasing, promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution, ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects, promote economic development by providing a high quality of life, enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and heat abatement.

7.10 LANDSCAPING PLAN REQUIREMENTS.

A landscaping plan must be approved by the Planning Director or his/her designee before the issuance of a location/conformance permit. The developer is encouraged to work with a local landscape architect, nurseryman or design professional to make the landscaping an integral part of the overall site design by using site-specific materials which are:

- A. Appropriate to the conditions in which they are planted;
- B. Have noninvasive growth habits;
- C. Encourage low maintenance, high quality design; and
- D. Be otherwise consistent with the intent of this chapter.

A list of recommended plants can be obtained from the Planning Department or the Montana State University Extension Service.

The landscaping plan should contain the following elements:

- A. Scale: $\frac{1}{4}$ "=1'0" to 1"=40'
- B. Property lines, easements and public rights-of-way, including clear vision triangles
- C. Buildings or structures - both new and existing.
- D. Drive approaches, parking spaces, light standards, circulation and pedestrian walkways
- E. Landscaping materials:
 - 1. Location and spacing of proposed plant materials
 - 2. Location of existing trees or landscaping to be preserved or eliminated
 - 3. Types and location of new vegetation identified by botanical and common names and listed on a plant schedule
 - 4. Size of materials, in diameter and height at installation and maturity
 - 5. Quantity of each planting materials to be used
 - 6. Types and location of inorganic landscaping material
- F. Location of walls, fences and refuse storage areas

- G. Methods of protecting the landscaped areas
- H. Proposed treatment of all ground surfaces (concrete or asphalt paving, pavers, turf or gravel)

All planted materials and property shall be maintained free of noxious weeds, and properly maintained in order to present a health, neat, and orderly appearance, free from refuse, weeds, and debris. Any plant materials which have died or have been irreparably damaged shall be removed and replaced with living plant materials consistent with the approved landscape plan or as required by these regulations.

7.11 MINIMUM REQUIREMENTS

7.11.1 Street Frontage Landscaping

The area along any property line which abuts a public street right-of-way must be landscaped using one (1) or a combination of two (2) or more of the following four (4) options which the developer may choose

Option 1: 15' minimum buffer yard width
1 tree per 80 linear feet of frontage

Option 2: 10' minimum buffer yard width
2 trees per 80 linear feet of frontage

Option 3: Landscaped berm with 2' minimum average height
1' rise: 4' run maximum slope
No minimum or maximum berm width
1 tree per 80 linear feet of frontage

Option 4: 5' minimum buffer yard
1 tree per 40 linear feet of frontage
30" high decorative or non-decorative wall located appurtenant to the parking area. A non-decorative wall shall be covered with vines on the street side of the wall. A continuous hedge may be substituted for the required fence or wall, as long as it has a minimum height at installation of three (3) feet.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward.

7.11.2 Perimeter Landscaping

- A. The exterior boundaries of the lot which do not abut a public street right-of-way shall meet the buffer yard requirements shown below, depending upon the adjacent land use. If the adjacent land use is a vacant building or ground, then the zoning shall be used in place of the land use.

	Residential Uses	Commercial Uses	Industrial Uses	Agricultural Uses	Public Uses
Commercial Uses	C	A	B	B	B
Industrial Uses	D	B	A	B	D

Note: If a use does not conform to one of the above categories, the Zoning Coordinator shall determine which category best matches the use.

7.11.3 Buffer yard Classification Requirements:

Buffer yard A: No Landscaping Required

Buffer yard B: 5' minimum buffer yard
1 tree per 40 linear feet

Buffer yard C: 10' minimum buffer yard
2 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

Buffer yard D: 15' minimum buffer yard
4 trees per 40 linear feet
6' sight obscuring fence or wall located on the property line*

*A continuous hedge may be substituted for the required fence or wall in Buffer yards C and D, as long as it has a minimum height at installation of three (3) feet and maintains such size or reaches six (6) feet or more at maturity.

Placement and landscaping design shall be at the discretion of the developer, including the placement of the required trees within the required buffer yard. Buffer yard depth is measured from the property line inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting.

7.11.4 Buffer yard Standards for All Developments

All required buffer yards must contain a minimum of seventy-five (75) percent organic landscaping material, with a maximum of twenty-five (25) percent nonliving landscaping materials.

All required buffer yards shall be maintained and kept free of weeds, debris and litter.

The use of coniferous trees is encouraged in the perimeter buffer yards.

7.11.5 Other Requirements

All land area which is not part of the designated parking lot, curbs and sidewalks along the roadways or entrances to the buildings, driveways or vehicle access approaches, shall be planted and maintained in turf grass, natural grass, flowers, shrubs, and any combination thereof.

Any parking lot which requires more than ten (10) parking spaces must be paved and provide a storm water runoff plan that may be required to meet Department of Environmental Quality Storm water Runoff regulations. Parking lots which require less than ten (10) parking spaces must provide adequate dust, erosion, and surface water runoff protection as approved by the Planning Director.

7.12 ADMINISTRATIVE RELIEF.

Administrative Relief is provided to add flexibility in the application of the landscaping regulations in this section when a standard is inapplicable or inappropriate to a specific use or design proposal. However, the granting of Administrative Relief should not always mean that a requirement is reduced without compensation. For example, the granting of a reduced buffer yard depth should be compensated by the planting of additional trees, shrubs or other plants.

A written request for Administrative Relief shall be submitted to the Planning Director or his/her designee either before or in conjunction with the location/conformance permit review process. The written request shall include a justification in terms of the findings necessary to grant Administrative Relief. The written request with decision shall be attached to the plan or retained in the applicable file, as appropriate. An example of this written request shall be available from the Planning Department.

The Planning Director or his/her designee must make all of the following findings in order to grant Administrative Relief:

- A. The strict application of the regulation in question is unreasonable given the development proposal or the measures proposed by the applicant or that the property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same general area and such conditions will not allow a reasonable use of the property in its current zone in absence of relief;
- B. The intent of the landscaping section and the specific regulation in question is preserved; and

- C. The granting of the Administrative Relief will not result in an adverse impact upon surrounding properties.

The Planning Director or his/her designee shall render a decision on the request within five (5) working days of receipt of the request and all required information. An appeal of the Planning Director's decision may be made to the Board of Adjustment with jurisdiction over the property, within ten (10) days after the decision. At this time, the appeal will be put on the agenda for the next Board of Adjustment meeting which allows for the required public notice.

7.13 POLICIES

1. The Planning Department recognizes that the specific landscape requirements in this section cannot and do not anticipate all possible landscape situations. In addition, the Planning Department recognizes that there may be landscape proposals which conform to the purpose, intent and objectives of the landscape regulations, but were not anticipated in the specific regulations. Therefore, the Planning Department may grant Administrative Relief in the event of these situations and proposals.
2. The Planning Department recognizes that a proposed development of a relatively small commercial or industrial lot which was created prior to the current landscape requirements may present unusual difficulties in complying with the current requirements.
3. The Planning Department shall attempt to balance the reasonable use of such lot with the provision of required landscaping. This balance will be affected by the site's characteristics, as well as, the proposed development plan.
4. The Planning Department also recognizes that to allow reasonable development there should be an upper limit to the amount of a site that is required to be landscaped. As a general guideline for relatively small commercial or industrial lots (such as one (1) acre or less), the requirements should not exceed twenty-five (25) percent of a site.

The reasonable development of a site may require the granting of Administrative Relief to some of the requirements. Although all of the categories of landscape requirements are considered important, the Planning Department generally assigns the following priorities for compliance with the landscape requirements:

First, adjacent residential uses should be buffered,

Second, an attractive appearance of the project should be provided along adjacent streets by landscaped setbacks and trees,

Third, the parking areas and building elevations which form major public views of the project should be visually softened and enhanced by trees and other plantings.

Compliance with the requirements, such as the third priority above, should not be forced into a site design. For both visual effect and ease of maintenance, relatively few, but larger landscaped areas, which are integrated with the other elements of the site design, are generally encouraged. In addition, relatively numerous and smaller landscaped areas, which are not integrated with the other elements of the site design, are generally discouraged.

SECTION 8. STANDARDS FOR SPECIAL USE PERMITS

8.1 GENERAL PROVISIONS

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 8" within the respective zoning districts contained in Section 7 or Section 9.1.3 hereof. The initial Special Use Permit fee shall be \$450.00.

8.2 REQUIRED PLAN

An applicant must notify the Planning Department and request a pre-application meeting with planning staff. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process.

The application for a special use permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

1. A special use permit application signed by the land owner and by the applicant if different from the land owner.
2. A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
3. A legal description of the property.
4. A lot layout plan may be required indicating some or all of the following.
 - a. Identify any covenants, liens, easements or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the Office of the County Clerk and Recorder or Planning Board Office).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a site plan, indicate the dimensions of the property under consideration, the size and placement of existing structures, parking areas and landscaping areas.
 - f. On a site plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping and screening,

g. On a site plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 8.5 that may be necessary to determine if the special use meets the requirements of these regulations.

8.25 PUBLIC NOTIFICATION

A public hearing shall be required for all special use permit applications in front of the Cascade County Zoning Board of Adjustment. Notice shall be provided for as set by MCA 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication. The owner of the property for which a special use is sought or his agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the Zoning Board of Adjustment will hear testimony from proponents and/or opponents of the special use permit application. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the special use permit.

8.3 EXPIRATION

A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for six (6) months for any reason. The Zoning Board of Adjustment may, depending on the situation, extend the six (6) month timeframe.

8.4 EXISTING VIOLATIONS

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws or for delinquent county taxes.

8.5 STANDARDS APPLICABLE TO ALL SPECIAL USES

Before the Board of Adjustment can approve any Special Use Permit, it must first reach each of the following conclusions:

1. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.
- b. Provision of services and utilities, including sewer, water, electrical, garbage collections, and fire protection.
- c. Soil erosion and sedimentation
- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

2. The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use.
3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
 - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
 - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.
- 8.6 OPERATIONS

Operations in connection with the special permit use shall not be more objectionable to nearby properties by reason of noise, fumes, or vibrations, or flashing lights, than would be the operation of any permitted use.

8.7 STAFF REVIEW

After an application is reviewed by the Planning Department Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the Cascade County Zoning Board of Adjustment.

8.8 BOARD OF ADJUSTMENT REVIEW

In reviewing Special Use Permit Applications, the Board of Adjustment will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. It then discusses the petition and makes findings of fact supported by the presented evidence. Based on those findings, the Board decides whether or not it can reach each of the required conclusions. It may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

Note: The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board's discussion, the petitioner may ask the Board's permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next Zoning Board of Adjustment meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Department Staff will prepare and issue the petitioner a conditional letter of approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the Zoning Board of Adjustment, the Planning Department Staff will issue the Special Use Permit.

8.9 APPEALING BOARD OF ADJUSTMENT DECISION

MCA 76-2-227 Appeals from board to court of record.

(1) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board, or bureau of the county may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board.

(2) Upon presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may (upon application, on notice to the board, and on due cause shown) grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(3) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take

such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

(4) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

9.0 REVOCABILITY

A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.

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SECTION 9. SUPPLEMENTARY REGULATIONS

The provisions of these regulations shall be subject to the requirements of Section 11 and to such exceptions, conditions, or modifications as herein provided by the following supplementary regulations.

9.1 USES, SIGNS, LOTS

9.1.1 Signs in an A, B, MU, I-1, or I-2 Districts

- 9.1.1.1 There shall be a limit of two (2) total freestanding signs per tract of land containing one acre or less in parcel size. There shall be a limit of three (3) total freestanding signs per tract of land greater than one acre in parcel size. The maximum height of the freestanding signs shall not exceed thirty (30) feet measured from the average ground area on the parcel of land as determined by the Planning Department. The maximum square foot total per freestanding sign per side cannot exceed 300 square feet per freestanding sign. No sign shall occupy any front, side or rear landscaping buffer area.
- 9.1.1.2 Signs located within 660 feet of an interstate highway measured from the outer edge of the interstate right-of-way, shall not exceed a maximum height of 30 feet measured from the high point of the interstate adjacent to the location of the sign, including grades of interstate access ramps.
- 9.1.1.3 Signs may be illuminated provided that they shall be limited to transformers not exceeding sixty (60) mill amperes on all exposed tubing and all animated or flashing portions shall be limited to transformers not exceeding thirty (30) mill amperes on all exposed tubing.
- 9.1.1.4 Total signage on a building side shall not exceed 30% of the building wall area square footage of that side and shall not exceed 10 feet above the height of the building.
- 9.1.1.5 Outdoor advertising (billboard signs) shall only be allowed in an I-1 or I-2 zoned parcel, shall not exceed 672 square feet per side, shall not exceed 48 feet in length and shall not exceed 30 feet maximum height, measured from the highpoint of the highway adjacent to the location of the sign and may not be located within 500 feet of another outdoor advertising (billboard) sign. No sign or billboard shall be permitted within 100 feet of an R district. No sign or billboard shall be permitted within 500 feet of any cemeteries, public park, public forest, public playgrounds, school, church, or similar institution.
- 9.1.1.6 Temporary signs, including but not limited to For Sale Signs, Real Estate Sale Signs, shall not be required to obtain a location/conformance permit. These signs must be placed entirely upon private property.

9.1.1.7 Political Signs shall be regulated pursuant to Montana Codes Annotated,

9.1.1.7.1 POLITICAL SIGNS

(1) Signs promoting political candidates or issues shall:

- (a) not be erected or maintained within the highway right-of-way.
- (b) not be erected or maintained prior to 90 days before the applicable election.
- (c) be removed within 30 days following the applicable election. The successful candidate in the primary election may leave their signs until after the general election.

9.1.1.7.2 DIRECTIONAL SIGNS

including, but not limited to, enter, exit, parking, air, etc., are excluded from the signage requirements, provided they not exceed eight (8) square feet maximum in size and be no greater than eight (8) feet in height and may not contain any advertising.

Signs as mentioned above do not include the normal public highway regulatory or informational signs. In the event federal, state or other requirements regulating signs exist, the provisions of Section 15.1 shall apply.

9.1.2 Non-Conforming Signs

Signs at the time of enactment of this Regulation which are not conforming to the provisions, but which did conform to previous laws at the time of installation and were properly permitted at the time of installation, shall be regarded as nonconforming signs which may remain if properly repaired, maintained, and if in compliance with other regulations of Cascade County and the State of Montana. Nonconforming signs which are structurally altered, relocated, or replaced must comply immediately with all provisions of these regulations.

9.1.2.1 Once a business has closed for more than one (1) year, any existing signs advertising said business must be removed.

9.1.3 Natural Production Use

There may be permitted as a special exception in an Agricultural District, RR-5 District, SR-1 District, SR-2 District, or in an I-2 Heavy Industrial District on approval of the Zoning Board of Adjustment and as provided in these regulations, the excavation of sand and gravel, topsoil, clay, shale, or other natural mineral

deposits for the quarrying of any kind of rock formation, subject to the following conditions:

- 9.1.3.1 In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of the excavation.
- 9.1.3.2 No rock crusher, cement plant, or other crushing, grinding, or polishing or cutting machinery, or other physical or chemical process for treating the product of such quarry shall be permitted, except in an I-2 District, or by permission of the Board of Adjustment.
- 9.1.3.3 In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (ref. Title 82, Chapter 4, Part 4, et. seq., MCA).
- 9.1.3.4 In the case where a natural production use abuts an R District, a B District, an I-1 District, a MH District, or an OS District, a sight obscuring fence, berm or other such improvement shall be required along the site perimeter(s) adjacent to the aforementioned abutting zone(s) and shall be installed or caused to be installed by the party to whom the special permit was issued prior to beginning operations under said special permit issued therefore. Said sight obscuring fence, berm or other such improvement shall be of a height sufficient to block the line of sight from occupancies of the aforementioned abutting zone(s) as determined by the Zoning Board of Adjustment.
- 9.1.3.5 Hours of Operation for the above listed uses shall be limited to 7:00 a.m. to 7:00 p.m.

9.1.4 Dwellings on Small Lots

Notwithstanding limitations imposed by any other provisions of these regulations, the Zoning Administrator may permit erection of a one-family dwelling on any lot in an Agricultural District or any Residential District separately owned or under contract for sale at the time of the passage of the original regulations and containing an area smaller than that required for one (1) family dwelling. (See Section 7.1.0.1 or Section 7.2.4.)

9.1.5 Reverse and Key lots

In the case of a reverse lot, the building setback line shall be the same as the key lot.

9.1.6 Abandoned Buildings / Items

Abandoned buildings / items (including wind turbines, radio towers, telecommunications towers, and meteorological towers) that remain nonfunctional or inoperative for a continuous period of one year shall be deemed

to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.

9.1.7 Zoning Designation Per Lot / Tract of Land

Each parcel of land shall have only one zoning designation.

9.2 KENNEL BUSINESSES AND FACILITIES

9.2.1 Regulated Businesses include, but are not limited to:

- Pet Wholesalers
- Pet Breeders
- Laboratory Animal Dealers and Breeders
- Animal Brokers
- Exotic and Wild Animal Dealers

9.2.2 Exempt Facilities include, but are not limited to:

- Retail Pet Stores
- Public Pounds

9.3 YARDS

9.3.1 Visibility at Intersections

On a corner lot in any district, no wall, hedge, or other planting which would obstruct vision of the intersection may be located within twenty (20) feet of the property line at the right of way of the street (see Clear Vision Triangle definition).

9.3.2 Porches

An open or enclosed porch shall be considered a part of a building in the determination of the size of the yard or lot coverage.

9.3.3 Projecting Architectural Features:

The space of any required yard shall be open and unobstructed except for the ordinary projections of window sills, bell courses, and other architectural features, provided, however, that such features shall not project more than twelve (12) inches into any required yard.

9.3.4 Fire Escapes.

Open fire escapes may be extended into any required yard not more than four feet and six inches (4' & 6").

9.3.5 Fences.

No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any

ornamental projections on a fence are not included in the height measurement. A variance may be allowed by the Board of Adjustment where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Board of Adjustment. No fence of a barbed or electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it. A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.

9.3.6 Front Yard Depth

In any residential district, each dwelling hereafter erected shall have a front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty (20) feet nor need any front yard have a greater depth than forty (40) feet.

9.4 TRANSITION REGULATIONS

9.4.1 Lots in Two Districts

Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

9.4.2 Side and Rear Yard Transition

Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard at least equal in width or depth to that required in a residential district.

9.4.3 Front Yard Transition

Where the frontage of one (1) side of a street between two (2) intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth in a business or industrial district shall be at least equal to the required front yard depth in the residential district.

9.4.4 Corner Yard Transition

On every corner lot in a residential district, there shall be provided on the side street, a side yard equal in depth to the required front yard depth of buildings fronting on said side street.

9.5 OFF-STREET PARKING

At the date these regulations become effective, the following parking spaces are minimum requirements (The standard parking stall is nine (9) feet wide and eighteen (18) feet deep.) and shall be provided and satisfactorily maintained by the owner of the property for each structure, building or dwelling erected; or enlarged or altered to twenty percent (20%) of the gross floor area of the building for use for any of the following purposes:

9.5.1 Dwellings

At least one (1) off-street parking space for each dwelling unit within the building or buildings.

9.5.2 Auditorium, Stadium, Theater, Churches, Or Other Places of Public Assembly

At least one (1) parking space for each five (5) seats provided for its patrons based on a maximum seating capacity.

9.5.3 Motels and Hotels

At least one (1) parking space for each one (1) guest unit.

9.5.4 Restaurants, Night Clubs, Taverns, or other Eating Places

A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1000) square feet of gross usable building area.

9.5.5 Hospital, Sanitarium, or Nursing Home

9.5.5.1 Hospital. At least one (1) parking space for each bed plus at least one (1) parking space for employee on a maximum shift plus one (1) parking space for each staff doctor.

9.5.5.2 Sanitarium or Nursing Home. At least three (3) parking spaces for each four (4) beds.

9.5.6 Stores

9.5.6.1 B District (General Business District) Stores. One (1) parking space for each three hundred (300) square feet of building(s) gross floor area.

9.5.7 Office Buildings

At least one (1) parking space for each three hundred (300) square feet of office floor area on the ground floor and one (1) space for each five hundred (500) feet of floor space above the first floor and the same shall apply to basement floor areas.

9.5.8 Industrial or Manufacturing Establishments

At least two (2) parking spaces for each three (3) working people on a maximum shift.

9.5.9 General

All parking areas provided pursuant to this section shall be on the same lot with the building, except that the Board of Adjustment may permit the parking spaces to be on a lot within five hundred (500) feet of the building, if said Board determines that it is impracticable to provide parking on the same lot with the building.

9.6 SEWERAGE LAGOONS, OXIDATION PONDS, OR STABILIZATION PONDS

A sewerage lagoon, oxidation pond, or stabilization pond may be used for the treatment of sewerage, sludge, and industrial wastes provided that such lagoon shall first have had the approval of the Board of Health of the State of Montana, and the Cascade County City-County Board of Health. All sewerage lagoons, oxidation ponds and stabilization ponds shall have a site review by the Planning Board prior to approval.

9.7 SITE PLAN REVIEW CRITERIA

A site plan, as referred to in these Regulations, shall be prepared at a scale of not less than one (1) inch equals one hundred feet (1" = 100') and must contain insofar as is applicable, the following minimum information:

9.7.1 Name and address of applicant.

9.7.2 Legal description and boundary lines of property being considered for review.

9.7.3 Existing and proposed land use upon the site.

9.7.4 Names of owners and existing land use on adjacent property.

9.7.5 Location, size, dimensions and uses of existing and proposed buildings and improvements.

9.7.6 Location and description of existing and proposed utilities.

9.7.7 Location and dimensions of curb cuts and access points.

9.7.8 Location, size, dimensions and number of off-street parking spaces, including on-site vehicular driveways and type of surface improvements.

9.7.9 Location and type of existing and proposed landscaping or buffering.

9.7.10 Location, type and height of existing and proposed fencing and screening.

9.7.11 Location, type and height of sight-obscuring improvement surrounding areas of storage for raw materials, finished products, machinery and equipment.

9.8 FLOODPLAIN REGULATIONS

There is adopted by the Board of County Commissioners the "Cascade County Floodplain Regulations" which are incorporated as fully as if set out at length herein, the provisions thereof controlling within Cascade County and outside of the City Limits of the City of Great Falls. The Cascade County Floodplain Regulations for the above-described area, copies of which are available at the Office of the Cascade County Planning Department and Zoning Administrator, shall be administered and enforced by the Zoning Administrator. A location or conformance permit shall not be issued for any non-residential use or structure within a designated floodplain area until all applicable floodplain permits have been issued. A location / conformance permit shall not be issued for any residential structure within a designated floodplain area until a Letter of Map Change (LOMC) has been obtained from the Federal Emergency Management Agency. (See letter of Map Change definition).

9.9 TEMPORARY FIREWORKS STAND REGULATIONS

A Temporary Fireworks Stand shall be defined as a temporary structure utilized for the sales of fireworks as defined in Section 50.37.101 of the Montana Code Annotated. Temporary fireworks stands shall be a permitted principal use or a permitted accessory use on a parcel (where, a separate and previous principal use already exists) in any zoning district in Cascade County outside of the Corporate Limits of the City of Great Falls and any other incorporated city or town, subject to the following conditions and regulations. Temporary fireworks stands shall be permitted only for the time period as specified in 9.9.2 of this Section.

9.9.1. Required Permits.

A Temporary Location/Conformance Permit shall be defined as that temporary permit issued only to temporary fireworks stands, and shall be subject to the fee schedule as specified in Section 11.3 of this code. In addition to the Temporary Fireworks Stand Location/Conformance Permit, every temporary fireworks stand shall obtain a Fireworks Permit for the County of Cascade County, Montana. Any temporary fireworks stand failing to obtain such permit shall be considered to be in violation of these regulations. The Temporary Fireworks Stand Location/Conformance Permit shall be valid for the time period between June 1 through July 31 and December 29th through December 31st of the year in which such permit is issued. Signage associated with temporary fireworks stands shall be permitted by the granting of the Temporary Location/Conformance Permit and shall be subject to the provisions of this Section.

9.9.2 Applicable Time Period.

No temporary fireworks stand shall be located, erected or constructed on an acceptable premise prior to June 1 of the year for the June 24th through July 5th selling period and must be removed by July 31st of the same year. No temporary fireworks stand shall be located, erected, or constructed on an acceptable premise prior to December 6th of the year for the December 29th through December 31st selling period and must be removed by January 15th of the next year.

9.9.3 Required Distances and Setbacks.

A temporary fireworks stand shall be located:

- a) at least 300 feet from a church or hospital
- b) at least 150 feet from any flammable liquid dispensing device or installation
- c) at least 150 feet from any residential dwelling unit
- d) at least 30 feet from any public roadway
- e) at least 50 feet from any non-residential structure

9.9.3.1 Front Yard.

The minimum front setback shall be thirty (30) feet.

9.9.3.2 Rear Yard.

The minimum rear setback shall be thirty (30) feet.

9.9.3.3 Side Yard.

The minimum side setback shall be ten (10) feet.

9.9.4 Off-street Parking

9.9.4.1 Size.

The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

9.9.4.2 Number.

The minimum number of off-street parking spaces provided by any temporary fireworks stand shall be five (5).

9.9.4.3 The required front yard may be used for off-street parking.

9.9.5 All temporary fireworks stands must be durably constructed of painted metal, wood, or other approved surfaces. All stands must comply with any pertinent State of Montana Building Codes requirements including electrical, structural, and fire safety.

9.9.6 Applicability of Other Regulations.

In addition to the conditions set forth in this section, each temporary fireworks stand shall abide by all applicable regulations adopted by Cascade County and the State of Montana.

9.9.7 Penalty.

The penalty for the violation of any part of this Section of the County Zoning Regulations, in addition to those penalties as contained in Section 13, Violations and Penalties, shall be the immediate revocation of the Temporary Fireworks Stand Location/Conformance Permit. If a stand owner does not remove the temporary stand by the date required, the Zoning Administrator may deny future temporary fireworks stand permits. The County Official responsible for the enforcement and interpretation of these regulations is the County Zoning Administrator and/or his/her designated representative.

SECTION 10. NON-CONFORMING USES AND STRUCTURES

The lawful use of any buildings or land existing at the time of the enactment of these regulations may be continued although such use does not conform to the provisions of these regulations, except as hereinafter provided.

10.1 ALTERATIONS AND ADDITIONS

A non-conforming building, unless changed to a conforming use, may not be structurally altered to an extent exceeding an aggregate of one-third (1/3) of the square footage of the building existing at the time of the zoning enactment nor shall a separate non-conforming building, with a square footage exceeding one-third (1/3) that of the original non-conforming building, be erected or placed upon the same lot occupied by the original non-conforming building. In any event, the combined total square footage of the above-mentioned structural alteration or separate non-conforming building shall not exceed one-third (1/3) of the square footage of the original non-conforming building. A non-conforming land use may not be increased by more than one-third (1/3) of the square footage in non-conforming use at the time of enactment of these regulations.

10.2 NATURAL DISASTER

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in the "Substantial Improvement" definition) by a natural disaster such as fire, flood, etc., shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within twelve (12) months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

10.3 DISCONTINUANCE

Whenever a non-conforming use shall be discontinued for a period of one (1) year, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of these regulations. The Zoning Administrator shall determine to the best of his ability the date of a discontinuance of a non-conforming use.

10.4 CHANGES

Once changed to a conforming use, no building or land use shall be permitted to revert to a non-conforming use. A non-conforming use may be changed to another use in the same or higher zoning classification and once changed to a higher classification such use thereafter shall not revert to a lower classification.

10.5 DISPLACEMENT

No non-conforming use shall be extended to displace a conforming use.

10.6 DISTRICT CHANGES

Wherever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any non-conforming use existing therein.

10.7 NATURAL RESOURCES PROTECTED

The provisions of these regulations shall not prevent the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

10.8 EXISTING PLATTED SUBDIVISION

A residential subdivision with a plat properly prepared and filed of record with the County Clerk and Recorder at the time of enactment of these regulations may be developed for residential purposes regardless of which zoning district in which it is located. In the future development of said subdivision, all normal requirements as per Section 7.1.0 for the appropriate type of residential district must be met.

SECTION 11. PERMIT REQUIREMENTS

11.1 GENERAL

These regulations shall be enforced by the Zoning Administrator who shall be appointed by the Board of County Commissioners of Cascade County. No Location / Conformance Permit shall be issued by such Administrator except where all provisions of these regulations have been complied with.

11.2 LOCATION OR CONFORMANCE PERMIT No future change of land use may be made; or no building, structure, sign or foundation therefore shall be erected, added to, or structurally altered until: 1) a permit therefore has been issued by the Zoning Administrator; and, 2) a site plan meeting the requirements of Section 9.7 of these regulations and based on the property boundaries in accordance with the legal description, as filed on record, has been filed by the Zoning Administrator.

Location/Conformance Permits are required for all buildings (200 square feet or larger), structures (200 square feet or larger), signs, or foundations located within the Cascade County Zoning District unless otherwise specified in these regulations.

Location/Conformance Permits are required for all commercial activities including but not limited to buildings, structures, signs, or foundations that will be used for commercial activities anywhere within Cascade County exclusive of incorporated cities and towns and the existing zoning district of Flood Road. For permitting requirements within the existing zoning district of Flood Road, see the regulations on file in the Planning Department.

Location/Conformance Permits are not required for site preparation (see Site Preparation definition) or for other Permitted Accessory Uses (including but not limited to garages, sheds, barns, or the usual agricultural buildings and structures) located on a tract of land provided only one residential dwelling unit is located on the tract, the tract of land is zoned A- Agricultural, and the tract is larger than 160 acres. However, the placement of any structures on these parcels must comply with the A Agricultural requirements listed in these regulations. All other uses including commercial, special use permits, etc require obtaining a location conformance permit and complying with the Cascade County Zoning Regulations.

11.3 FEES

The fee to be paid upon application for a Location / Conformance Permit shall be Fifty Dollars (\$50.00). If work on a structure that requires a Location / Conformance Permit begins prior to the issuance of the Permit, the fee shall be Two Hundred Dollars (\$200.00). The fee to be paid upon application for a Special Use Permit shall be Four Hundred Fifty Dollars (\$450.00). The fee to be paid for an Appeal Application or for a Variance Application shall be Two Hundred Fifty Dollars (\$250.00). All fees are non-refundable.

11.4 MINOR VARIANCES

The Zoning Administrator shall have the authority to grant "minor variances" as defined

by the Board of Adjustment which are within the general intent of these regulations limited to the following: a) area and lot dimension requirements provided they may not be reduced by more than ten (10) percent of the area required by the district, b) yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten (10) percent of the area of a required yard, c) maximum building height requirements may be increased by not more than ten (10) percent. Said "minor variance" shall be granted if all adjacent property owners of the tract consent to said "minor variance." The party petitioning to the "minor variance" shall obtain written consent from the adjacent property owners to the "minor variance." The denial by the Zoning Officer of an application involving a minor deviation shall not prohibit or affect the right of the applicant to file an application for a variance.

11.5 VARIANCES

Application and review procedure for variances that do not relate to the subdivision regulations

- A. **Submittal of application.** The applicant shall submit a completed application to the County Planning Department along with the application / appeal fee (\$250) as may be established by the County Commission.
- B. **Determination of completeness.** Within 10 days of submittal, the County Planning Director shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Notice.** Consistent with Section 12 of these regulations, the director shall provide for public notice, property owner notification, and agency notification.
- D. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Board of Adjustment, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- E. **DNRC notification of application.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the application to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- F. **Public hearing.** Allowing for proper notice, the Board of Adjustment shall hold a public hearing to review the application.
- G. **Decision.** Within 30 days of the determination of completeness, the Board of Adjustment shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.
- H. **DNRC notification of decision.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the decision to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- I. **Applicant notification.** Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.
- J. **Additional procedural steps.** If the board grants the variance, the applicant shall then follow other review procedures as may be required.

Basis of decision for a dimensional variance

A dimensional variance shall only be granted when the evidence shows and a finding can be made that each of the following conditions exists:

1. The variance is not contrary to the public interest.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
3. The spirit of this Section would be observed and substantial justice done by granting the variance.

Additional findings necessary for a floodplain variance

In addition to the general findings required above, the following findings shall apply to variances from floodplain requirements:

1. The proposed use will be adequately floodproofed.
2. A reasonable alternate location outside the floodplain is not available.
3. The granting of the variance will not cause increased flood hazards, present additional threats to public safety, create an extraordinary public expense, create a nuisance, or otherwise conflict with federal, State, or other local laws.

Vote needed for Board of Adjustment action

The concurring vote of 3 members shall be necessary to approve a variance. (See: 76-2-224, MCA)

Limitations on issuing a variance

The following actions shall not be allowed by a variance:

1. expansion of a nonconforming use
2. modification to lot or other requirements so as to increase the permitted density or intensity of use
3. any project within a floodway that increases flood velocities or elevations
4. allow an amortized sign to continue

Imposition of conditions

In approving a variance, the Board of Adjustment may impose such conditions and restriction as may be necessary to grant approval.

Airport height variances

If a variance to the height restrictions for parcels in the vicinity of the Great Falls International Airport is granted, the County may require the applicant, at the applicant's expense, to install, operate, and maintain the lights and markers necessary to warn pilots of the presence of the an airport hazard. (See: 67-4-314, MCA)

Notifications regarding specified variances

If a variance is granted to allow construction of a structure below the 100-year floodplain elevation, the floodplain administrator shall notify the applicant that flood insurance premium rates may be higher than normal and such construction increases risks to life and property.

Staff report content

At a minimum, the staff report shall contain the following information:

1. a summary of the comments received from the interdepartmental/agency review;
2. findings for each of the decision criteria listed in this article;
3. a preliminary list of conditions if approval is recommended; and
4. a recommendation to approve the application, approve it with conditions, or deny the application.

Effect of approval

An approved variance merely sets aside the rule or regulation from which relief is sought. All other rules and regulations not part of the variance decision must be followed.

Expiration of approval

The variance shall expire one year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

Appeal

The applicant and/or an aggrieved person may appeal a final decision made pursuant to this section by filing an appeal with a court of competent jurisdiction within 30 days of the final decision. (See: 76-2-227 (1), MCA)

11.6 HOME OCCUPATIONS

Any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting; the term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry

Home Occupations also must:

- Be carried on only within the principal or accessory buildings;
- Be incidental and secondary to the use of the dwelling unit for residential purposes;
- Be carried on by a member of the family residing in the dwelling unit; and
- Conform to the following additional conditions:
 - There shall be a limit of one exterior sign, no larger than three (3) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four feet of the main entry door.
 - There shall be no exterior storage of materials or variation from the residential character of the principal building;
 - No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced; and
 - Employment of members of the immediate family only is permitted.

Permitted Home Occupations include, but are not limited to, the following:

- Art studio;
- Dress and drapery making;
- Teaching with musical instruments limited to a single pupil at a time; and/or

- Preparation of food for off-premises sale provided approval by all other required federal, state, and county regulations are met.

Home Occupations shall not be interpreted to include such businesses as the following:

- Restaurants;
- Commercial stables and commercial kennels; and / or
- Auto repairing.

Any staff decision denying a Home Occupation Application can be appealed to the Zoning Board of Adjustment (see Section 12.3).

SECTION 12. COUNTY BOARD OF ADJUSTMENT

12.1 CREATION OF BOARD OF ADJUSTMENT

Under the provisions of Title 76, Chapter 2, Part 2, Montana Code Annotated, there is hereby created a Board of Adjustment. Said Board shall consist of five (5) members at large appointed by the Board of County Commissioners of Cascade County. The term of each member shall be two (2) years, but the Board of County Commissioners of Cascade County may remove any member for cause upon written charges and public hearing. A vacancy occurring during the term of any member shall be filled for his unexpired term. All members of the Board shall serve without compensation. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of the provisions of Title 76, Chapter 2. The Board shall decide upon said special exceptions within sixty (60) days after first considered by said Board.

12.2 MEETINGS, RULES

The Board shall adopt rules of procedure in accordance with the provisions of these regulations. Meetings of the Board shall be at the call of the Chairman, or at such other times as the Board by its rules shall determine, or when requested by the Zoning Administrator. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations of witnesses and other official actions, all of which shall be filed in the office of the Board and shall be a public record.

12.3 APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) calendar days (legal holidays excepted) after the date of the decision of the Zoning Administrator, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

12.3.1 Appeal Fee

Upon the filing of an appeal to the Board of Adjustment, the applicant shall pay to such Board, an appeal fee of Two Hundred Fifty Dollars (\$250.00); provided, however, that if any officer, department, board or bureau of the municipality be the applicant, no fee shall be required. All fees paid as aforesaid shall be deposited to the credit of the General Fund of Cascade County.

12.3.2 Appeal Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. The notice shall be published at least 15 days prior to, but no more than 30 days prior to, the public hearing. Upon the hearing, any party may appear in person or be represented by his attorney.

12.3.3 Board Appeal Powers

The Board of Adjustment shall have the following powers:

- 12.3.3.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.
- 12.3.3.2 To hear and decide special exceptions (see Special Exception definition) to the terms of the zoning regulations as provided for in Section 7 and Section 8 of these regulations. The language herein is not intended to restrict or limit the power of the Board of Adjustment provided by Title 76, Chapter 2, Parts 221 through 228, Montana Code Annotated.
- 12.3.3.3 To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and so that the spirit of these regulations shall be observed and substantial justice done.

12.3.4 Board of Adjustment Determination

- 12.3.4.1 In exercising the above-mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Decisions of the Board shall be made not later than thirty-one (31) days from the date of the hearing.

- 12.3.4.2 The concurring vote of three (3) members of the Board shall be

necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variation in this resolution.

12.3.5 Appeal of Board of Adjustment Determination

- 12.3.5.1 Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
- 12.3.5.2 Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application, on notice to the Board, and on due cause shown, grant a restraining order.
- 12.3.5.3 The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 12.3.5.4 If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- 12.3.5.5 Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

SECTION 13. VIOLATIONS AND PENALTIES

13.1 VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, placed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, placement, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

13.2 PENALTIES

A violation of these regulations is hereby declared to be a misdemeanor. The schedule of penalties is as follows:

13.2.1 After first knowledge of the violation, a cease and desist notice to conform within thirty (30) days shall be issued.

13.2.2 If conformance as enumerated in 13.2.3 above is not obtained within an additional thirty (30) days (for a total of ninety (90) days since first knowledge of the violation), the violation shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) months, or both.

SECTION 14. PROCEDURES FOR AMENDMENT

14.1 APPLICATION

An amendment to the Zoning Resolution [regulations or map(s)] may be initiated on a motion from the Board of County Commissioners of Cascade County or by one (1) or more of the residents or landowners within the jurisdictional area of the Zoning Resolution or by the Cascade County Planning Board. A petition for an amendment to the Zoning Resolution shall be submitted to the Planning Board for study and recommendation.

14.1.1 Application Requirements

An applicant must notify the Planning Department and request a pre-application meeting with planning staff. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the rezoning petition process.

The application for a rezoning petition must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the rezoning:

1. A letter signed by at least one landowner within the area to be rezoned explaining the requested rezoning.
2. A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
3. A legal description of the boundaries of the proposed district.
4. A lot layout plan may be required indicating some or all of the following.
 - a. Identify any covenants, liens, easements or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
 - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the Office of the County Clerk and Recorder or Planning Board Office).
 - c. Describe the existing land use of the parcel and neighboring areas.
 - d. Describe the anticipated impact upon neighboring property.
 - e. On a site plan, indicate the dimensions of the property under consideration, the size and placement of existing structures, parking areas and landscaping areas.
 - f. On a site plan, indicate the location of existing curb cuts or access points.
 - g. On a site plan indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application.
5. Cite any previous request for a zone change or variance involving the parcel, as well as any action taken on previous requests.
6. Prepare a statement which addresses the following considerations:

- (a) whether the zoning request is made in accordance with the Cascade County growth policy;
- (b) whether the zoning request is designed to:
 - (i)
 - (ii) secure safety from fire and other dangers;
 - (iii) promote public health, public safety, and general welfare;
 - (iv)
 - (v) (vi)
 - (vii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and
- (c) whether the zoning request is made with reasonable provision of adequate light and air, the effect on motorized and non-motorized transportation systems, compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities, the character of the district and its peculiar suitability for particular uses and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

7. Application Fee: All applications for rezoning must include an application fee of seven hundred fifty dollars (\$750.00).

14.2 HEARING BEFORE THE PLANNING BOARD

At the public hearing, the Planning Board shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.3 HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS

14.3.1 Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must state:

14.3.1.1 the boundaries of the proposed district;

14.3.1.2 the general character of the proposed zoning regulations;

14.3.1.3 the time and place of the public hearing;

14.3.1.4 that the proposed zoning regulations or maps are on file for public inspection at the office of the county clerk and recorder and the Planning Board Office.

14.3.1.5 be posted not less than 45 days before the public hearing in at least five public places within the proposed district; and

14.3.1.6 be published once a week for 2 weeks in a newspaper of general circulation within the county.

14.3.2 At the public hearing, the Board of County Commissioners shall give the public an opportunity to be heard regarding the proposed change in a zoning district or regulation.

14.4 ACTION AFTER HEARING

- 14.4.1 After the public hearing, the Board of County Commissioners shall review the proposals of the Planning Board and shall make such revisions or amendments as it may deem proper. This may include attaching reasonable conditions to ensure public health, safety, and welfare, mitigation to potential impacts, and comments/concerns received during the application process are considered and addressed.
- 14.4.2 The Board of County Commissioners may pass a resolution of intention to revise the boundaries of a zoning district or amend the zoning regulations.
- 14.4.3 The Board of County Commissioners shall publish notice of passage of the resolution of intention once a week for two (2) weeks in a newspaper of general circulation within the county. The notice as applicable shall state:
 - 14.4.3.1 The boundaries of the proposed district;
 - 14.4.3.2 The general character of the proposed zoning regulations;
 - 14.4.3.3 That the proposed zoning regulations or maps are on file for public inspection at the office of the County Clerk and Recorder and the Cascade County Planning Department; and
 - 14.4.3.4 That for thirty (30) days after first publication of this notice, the Board of County Commissioners will receive written protests to the creation of the zoning district, or to the creation of or amendment to the zoning regulations from persons owning real property within the district whose names appear on the last completed assessment roll of the county.
- 14.4.4 Within thirty (30) days after the expiration of the protest period, the Board of County Commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if forty percent (40%) of the real property owners within the district whose names appear on the last completed assessment roll or if real property owners representing fifty-percent (50%) of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, Chapter 44, Part 1, have protested the establishment of the district or adoption of the regulations, the Board of County Commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of one (1) year.

SECTION 15. MISCELLANEOUS

15.1 INTERPRETATION, CONFLICT WITH OTHER LAWS

15.1.1 In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of public health, safety or the general welfare.

15.1.2 Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

15.2 EXHIBITS

The following Exhibits are by reference incorporated herein and made a part of the Zoning Resolution.

15.2.1 "EXHIBIT A" ZONING MAP or more specifically titled: "Cascade County Zoning Map". All other land within Cascade County exclusive of incorporated cities and towns and the existing Zoning District of Flood Road shall have the zoning classification of A Agricultural as Certified by the Commissioners of Cascade County "(Reference Section 4).

15.2.2 "EXHIBIT B" (Reference Section 16)

15.2.2.1 EXHIBIT B-1 "Airport Influence Area" Great Falls International Airport

15.2.2.2 EXHIBIT B-2 "Imaginary Surfaces" Great Falls International Airport

15.2.2.3 EXHIBIT B-3 "Noise Impact Zones" Scale 1 inch = 4,000 feet

15.2.2.4 EXHIBIT B-4 "Noise Impact Zones" Scale 1 inch = 400 feet

NOTE: Copies of the hereinabove reference exhibits can be obtained from the Cascade County Planning Department.

SECTION 16. AIRPORT AREAS – GREAT FALLS INTERNATIONAL AIRPORT

16.1 AIRPORT AREAS - GREAT FALLS INTERNATIONAL AIRPORT

This section of the zoning resolution is for the purpose of regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property, in the vicinity of the Great Falls International Airport, by creating airport approach zones, transition zones, a horizontal zone and a conical zone and establishing the boundaries of such zones. It is hereby found that an airport hazard endangers the lives and property of users of Great Falls International Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the land, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Great Falls International Airport and the public investment therein. Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Great Falls International Airport; (2) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and, (3) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which the County Commissioners of Cascade County are hereby including this section within this Resolution.

16.1.1 Establishment of Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces and all land within Noise Impact Zones 1, 2 and 3 as they apply to Great Falls International Airport. Such zones are shown on map exhibits entitled: "B-1" Airport Influence Area; "B-2" Imaginary Surfaces; "B-3" Noise Impact Zones (Scale 1" = 4,000'); and "B-4" Noise Impact Zones (Scale 1" = 400'), which are hereby referenced in these regulations and made a part hereof (reference Section 15). An area located in more than one (1) of the height zones contained in these regulations is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

16.1.1.1 Precision Instrument Runway Approach Zone

On Runways 3 and 34, the inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

16.1.1.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Non-precision Instrument Approach Zone

On Runway 21, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

16.1.1.3 Runway Larger Than Utility Visual Approach Zone

On Runway 16, the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

16.1.1.4 Utility Runway Visual Approach Zone

On Runways 7 and 25, the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

16.1.1.5 Transitional Zones

The transitional zones are the areas beneath the transitional surfaces.

16.1.1.6 Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

16.1.1.7 Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

16.1.2 Height Limitations

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

16.1.2.1 Precision Instrument Runway Approach Zone

Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

16.1.2.2 Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4-Mile Non-precision Instrument Approach Zone

Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

16.1.2.3 Runway Larger Than Utility Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

16.1.2.4 Utility Runway Visual Approach Zone

Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

16.1.3 Transitional Zones

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 3,671 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

16.1.3.1 Horizontal Zone

Established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

16.1.3.2 Conical Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

16.1.4 Use Restrictions, Electrical and Visual Interference

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off, or maneuvering of aircraft.

16.1.5 Non-Conforming Uses:

16.1.5.1 The requirements prescribed by Section 9.2 of these regulations shall not apply to land in existing residential subdivisions or land platted for residential subdivision as of the effective date of this Resolution and shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution, or otherwise interfere with the continuation of any nonconforming use.

16.1.5.2 Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Regional Airport Authority and the Cascade County Planning Board to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Regional Airport Authority.

16.1.6 Airport Area Permits

16.1.6.1 Future Uses

Except as specifically provided in Paragraphs (1), (2) and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise

established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- (1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any street or structure less than seventy-five (75) feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
- (2) In the area lying within the limits of the instrument and no attainment approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or no instrument approach zone.
- (3) In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure, less than seventy-five (75) feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations except as set forth in Section 9.2.3.

16.1.6.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.

16.1.6.3 Hazard Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the

structure or tree in question to permit the Regional Airport Authority, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport.

16.1.7 Land Use Within Noise Impact Zones - Regulation of Use.

This section of the Zoning Regulations is for the purpose of regulating and restricting the use of land and property in the vicinity of the Great Falls International Airport by creating Noise Impact Zones, establishing the boundaries of the Noise Impact Zones and regulating use of land and property within these zones. The following, as may be updated from time to time, is incorporated into and made part of this Section by reference: Great Falls International Airport Authority Noise Compatibility Study (dated 10/11/07).

16.1.7.1 Establishment of Noise Impact Zones

In order to carry out the provisions of these regulations, there are hereby created Noise Impact Zones which cover land in the vicinity of the Great Falls International Airport. The Noise Impact Zones are shown on the Exhibits B-3 and B-4 which are attached to these regulations and made a part hereof. (Reference Section 15.) The various zones are hereby established and defined as follows:

(1) NOISE IMPACT ZONE 1.

The boundary of Zone One (1) is as shown on above referenced Exhibits. The area within Zone One (1) has a Composite Noise Impact Rating of less than sixty-five (65) Ldn.

(2) NOISE IMPACT ZONE 2.

The boundaries of Zone Two (2) are as shown on above referenced Exhibits. The area within Zone Two (2) has a Noise Impact Rating which ranges from sixty-five (65) to seventy-five (75) Ldn.

(3) NOISE IMPACT ZONE 3.

The boundary of Zone Three (3) is as shown on above reference Exhibits. The area within Zone Three (3) has a Composite Noise Rating greater than seventy-five (75) Ldn and is the most severely impacted area.

16.1.7.2 Zone Districts which may be permitted in Noise Impact Zones:

In order to carry out the provisions of these regulations, the zone districts as provided in Sections 3, 4, 7 and other parts of these regulations, may ultimately be permitted in the various Noise Impact

Zones as follows:

16.1.7.2.1 NOISE IMPACT ZONE 1.

The following zone districts may ultimately be permitted in Noise Impact Zone 1:

- (a) RR-1 Rural Residential District
- (b) ¹SR-2 Suburban Residential District
- (c) ⁶UR-3 Urban Residential District
- (d) I-1 Light Industrial District
- (e) ⁷I-2 Heavy Industrial District
- (f) MH Mobile Home District
- (g) ²OS Open Space District
- (h) PUD Planned Unit Development
- (i) ¹OS Mixed Use District

6.1.7.2.2 NOISE IMPACT ZONE 2.

The following zone districts may ultimately be permitted in Noise Impact Zone 2.

- (a) A Agricultural District
- (b) B General Business District
- (c) I-1 Light Industrial District
- (d) OS Open space
- (e) Land uses in any of the above zones such as schools, hospitals, churches, theaters, auditoriums, which will have a high concentration of temporarily immobile persons assembled in an area will not be permitted in Noise Impact Zone 2.

16.1.7.2.3 NOISE IMPACT ZONE 3.

The following zone districts may ultimately be permitted in Noise Impact Zone 3.

- (a) An Agricultural District

In an A district within Noise Impact Zone 3, only the following permitted uses, or special permit uses, may be ultimately allowed: 7.2.1.1; 7.2.1.4; 7.2.1.5; 7.2.1.6; 7.2.3.6; 7.2.3.7 and 7.2.3.10.

(b) I-1 Light Industrial District.

In an I-1 District within Noise Impact Zone 3, the following uses may be ultimately allowed upon the issuance of a special permit: 7.4.1.1(2). In addition to meeting the normal I-1 permitted use requirements listed in Section 7.4.1.1(2), before issuance of special permit it must be established that:

- 1) the I-1 use shall have a maximum of 5 employees;
- 2) any products or uses shall not be hazardous to operation of the International Airport; and,
- 3) said industrial usage shall be insensitive to noise generated by airport usage.

(c) OS Open Space District.

In an OS District within Noise Impact Zone 3, the following permitted uses or special permit uses, may be ultimately allowed: 7.6.1.1; 7.6.1.2; 7.6.1.3; 7.6.2.1; 7.6.2.2; 7.6.3.3.

(d) Land uses in any of the above zones such as schools, hospitals, churches, theaters, auditoriums, etc., which will have a high concentration of temporarily immobile persons assembled in an area will not be permitted in Noise Impact Zone 3.

16.1.7.2 Special Exception.

A plat of a subdivision and/or a petition to change the zoning classification to accommodate a use inconsistent with the provisions of Section 16 of these regulations shall not be approved unless the applicant places a covenant on the involved property wherein the property owner shall hold the City, County and the Regional Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal airport operations.

Such covenant shall be provided to the Cascade County Planning Board simultaneously with the processing of a plat and/or change in zoning classification application and shall eliminate the necessity of seeking a variance through the Board of Airport Hazard Adjustment.

16.1.8 Appeals

Any person or agency aggrieved, or any taxpayer affected, by any decision of the Zoning Administrator made in the administration of Section 16 of these regulations, may appeal to the Board of Airport Adjustment in accordance with Section 12.3 of these regulations.